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No. 8] NEW DELHI, SATURDAY, FEBRUARY 20, 1988/PHALGUNA 1, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)
नई दिल्ली, 28 अक्टूबर, 1987
आयकर

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi, the 28th October, 1987
INCOME-TAX

का.आ. 345—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उप खण्ड (iii) के अनुसरण में और भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की दिनांक 2-5-84 की अधिसूचना संख्या 5780 [फा. सं. 398/9/84 आ. क. (ब)] का अधिलेखन करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अन्तर्गत केन्द्रीय सरकार के राजपत्रित अधिकारी श्री एम. जी. मैत्रे की कर वसूल अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

2 यह अधिसूचना श्री एम. जी. मैत्रे द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 7598/फा. सं. 398/10/87-आ. क. (ब)]

S.O. 345.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 5780 [F. No. 398/9/84-IT (B)] dated 2nd May, 1984, the Central Government hereby authorises Shri M. G. Mhetre, being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2 This Notification shall come into force with effect from the date Shri M. G. Mhetre takes over charge as Tax Recovery Officer.

[No. 7598/F. No. 398/10/87 IT(B)]

नई दिल्ली, 9 दिसम्बर, 1987
आयकर

का. आ. 346—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (iii)

के अनुसरण में कर वसूली अधिकारी के रूप में श्री पी. एस. आय्यर की नियुक्ति के संबंध में वित्त मंत्रालय राजस्व विभाग की दिनांक 8 अप्रैल 1987 की अधिसूचना सं. 7236 [फा. सं. 398/10/87-आ. क. (ब)] को एतद्वारा दिनांक 2-11-1987 से रद्द किया जाता है।

[सं. 7648/फा.सं. 398/10/87-आ. क. (ब)]

New Delhi, the 9th December, 1987

INCOME-TAX

S.O. 346.—The notification issued in the Ministry of Finance (Department of Revenue) No. 7236 [F. No. 398/10/87-IT(B)] dated the 8th April, 1987, in pursuance of sub-clause (iii) of Clause 44 of Section 2 of the Income-tax Act, 1961 (43 of 1961) appointing Shri P. S. Iyer as Tax Recovery Officer, is hereby cancelled with effect from 2nd November, 1987.

[No. 7649/F. No. 398/10/87-IT(B)]

नई दिल्ली, 14 दिसम्बर, 1987

आयकर

का. आ. 347 :—आयकर अधिनियम, 1961 (1961 की 43) की धारा 2 के खंड (44) के उपखंड (iii) के अनुसरण में और भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की दिनांक 27-1-1987 की अधिसूचना सं. 7109 [फा. सं. 398/27/86-आ. क. (ब)] में आशिक आशोधन करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अन्तर्गत केन्द्रीय सरकार के राजपत्रित अधिकारी श्री एम. सी. कवल को श्री एस. सी. सक्सेना के स्थान पर कर वसूली अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

2. यह अधिसूचना श्री एम. सी. कवल द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 7652/फा. सं. 398/29/87-आ. क. (ब)]

बी. ई. अलैकजेंडर, अवसर सचिव

New Delhi, the 14th December, 1987

INCOME-TAX

S.O. 347.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in partial modification of Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 7109 [F. No. 398/27/86-IT(B)] dated 27th January, 1987, the Central Government hereby authorises Shri M. C. Kowal, being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act, in place of Shri S. C. Saxena.

2. This Notification shall come into force with effect from the date Shri M. C. Kowal takes over charge as Tax Recovery Officer.

[No. 7652/F. No. 398/29/87-IT(B)]

B. E. ALEXANDER, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 दिसम्बर, 1987

का. आ. 348 :—यह पेट्रोलियम और नैचुरल गैस लाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 796 तारीख 11-3-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वायरवेड से एनोड बेड तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाना तालुक : बीजापुर

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेन्टीयर
अजोल	714	0	02	10
	706	0	01	00

[सं. ओ-11027/2/87/ओ.एन.जी.-डी. III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 31st December, 1987

S.O. 348.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 796 dated 11-3-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central

Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (i) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From Wire Bed to Anode Bed.

State : Gujarat District : Mehsana Taluka : Vijapur

Village	Survey No.	Hectare	Are	Centiare
Ajol	714	0	02	10
	706	0	01	00

[No. O-11027/2/87-ONG/D-III]

का. आ. 349:—यतः, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2287 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे, यतः, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और, आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार

में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन.डी.डी. मे एस.एन.के. से एस.एस.सी.टी. एफ. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेन्टीयर
सुदाना	1316	0	05	16
	1367	0	04	32
	3368	0	01	68
	1366	0	08	64

[सं. ओ-11027/4/87-ओ.एन.जी/डी-III]

S.O. 349.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2287 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From SNDD to SNK to SS CTF.

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Jotana	1316	0	05	16
	1367	0	04	32
	1368	0	01	68
	1366	0	08	64

[No. O-11027/4/87 ONG/D-III]

का. आ. 350:—यतः, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस

मंत्रालय की अधिसूचना का. आ. सं. 2291 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे, यतः, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और, आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. एन. डी. क्यू. (iii) में बलोल-4 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका मेहसाना

गाव	सर्वे. न.	हेक्टेयर	आरे.	सेन्टीयर
बलोल	1679/2	0	01	92
	1679/1	0	01	08
	1676	0	18	72
	1677			
	1680			
	कार्ट ट्रैक	0	01	20
	1646	0	10	80
	1649	0	06	48
	1650	0	06	48
	1651	0	06	72
	1772/2	0	06	00
	1763	0	01	08
	1770	0	02	40

S.O. 350.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2291 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline From SNDQ (111) to BALOL-4.

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centi-are
Balol	1679/2	0	01	92
	1679/1	0	01	08
	1676	0	18	72
	1677			
	1680			
	Cart track	0	01	20
	1646	0	10	80
	1649	0	06	48
	1650	0	06	48
	1651	0	06	72
	1772/2	0	06	00
	1763	0	01	08
	1770	0	02	40

[No. O-11027/6/87/ONG/D.-III]

का.आ. 351 —यतः. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2292 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस एन सी एस सन्थाल-4 तक पाइप लाइन बिछाने के लिए।

राज्य . गुजरात जिला व तालुका मेहसाना

गांव	सर्वे न	हेक्टेयर	आर	सेन्टीयर
सथाल	332	0	16	80
	312	0	06	96
	310	0	06	84

[स अ-11027/7/87-ओ एन जी-डी-III]

S.O. 351—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2292 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline from SNCM to Balol-4

State Gujarat District & Taluka Mehsana

Village	Survey No	Hectare	Ac	Conti- arc
Santhal	332	0	16	80
	312	0	06	96
	310	0	06	84

[No O 11027/7/87/ONG/D-III]

का आ 352 --यत पेट्रोलियम और यतित पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ स 2294 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

पखाजान-1 में डब्लू. एच. आर्. दहज तक पाइप लाइन बिछाने के लिए।

राज्य	गुजरात	तालुका	वागरा	जिला	भरुच
गांव	ब्लॉक न	हेक्टेयर	आर	सेन्टीयर	
1	2	3	4	5	
खोजवा	247	0	11	05	
	246	0	06	50	

1	2	3	4	5
	242	0	02	60
	241	0	13	00
	263	0	13	65
	262	0	15	60
	264	0	26	00
	282	0	15	60
	271	0	14	95
	281/ए	0	02	60
	272	0	22	75
	275/बी	0	11	05
	274	0	15	60
	326	0	05	20

[सं. अ-11027/10/87-ओ एन जी-डी-III]

S.O. 352.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2294 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From Pakhajan-I to WHI at Dahaj.

State : Gujarat Taluka : Vagara District : Bharuch

Village	Block No.	Hectare	Are	Centi-are
Khajhal	247	0	11	05
	246	0	06	50
	242	0	02	60
	241	0	13	00
	263	0	13	65
	262	0	15	60
	264	0	26	00
	282	0	15	60
	271	0	14	95
	281/A	0	02	60
	272	0	22	75
	275/B	0	11	05
	274	0	15	60
	326	0	05	20

[No.O-11027/10/87-ONG/D-III]

का. आ. 353 :—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2124 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की तारीख को निहित होगा।

अनुसूची

अमजोल-5 में एनके जी जी एम-III तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला	और	तालुका :	महेसाना
गाँव	मर्वे न.	हेक्टेयर	आर.	सेन्टीयर
कटोसन	541	0	03	72
	540	0	06	48
	539	0	08	04
कार्ट ट्रेक		0	00	48
548/1		0	05	40
548/2		0	04	68
549		0	14	16

[सं. अ-11027/15/87/ओ एन जी /डी-III]

S.O. 353.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2124 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from ASJOL-5 to NK GGS III

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Katosan	541	0	03	72
	540	0	06	48
	539	0	08	04
	Cart track	0	00	48
	548/1	0	05	40
	548/2	0	04	68
	549	0	14	16

[No. O-11027/15/ONG/D-III]

का. आ. 354.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना कां. सं. 2295 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अग्रे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और अग्रे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वी. एल. ऐच. सी. मे बलोल जी.जी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
मीठा	452	0	11	64
	453	0	02	28
	454	0	06	00
	455	0	02	76
	456	0	03	12
	458	0	06	00

[सं. ओ-11027/16/87/ओ एन जी/डी-III]

S.O. 354.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2295 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from BLHC to BALOL GGS

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Mitha	452	0	11	64
	453	0	02	28
	454	0	06	00
	455	0	03	76
	456	0	03	12
	458	0	06	00

[No. O-11027/16/87-ONG/D-III]

का. आ. 355.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2121 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

एस. एन. जी. एन. से एस. एन. ए. टी. (58) से एस. एस. सी.टी. एफ. तक पाइप लाइन बिछाने के लिए ।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
संथाल	443/1	0	09	36
	485	0	10	80

[सं० ओ-11027/22/87-ओ एन जी/डी-III]

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline from SNDL to SNAT (58) to SS CTF

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Arc	Centi- are
Santhal	443/1	0	09	36
	485	0	10	80

[No. O-11027/22/87/ONG/D-III]

का० आ० 356.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का० आ० सं. 2119 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उसे अधिसूचना संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा 1 के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है ।

S.O. 355.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2121 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग, में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एम. एन. सी. एन. से एम. एन. सी. एस. से पुराने

ब्लॉक-4 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर आर.	सेन्टीयर
संथाल	383	0 09	72
	382	0 09	24
	381	0 01	44

[सं. ओ-11027/23/87/ओ एन जी/डी-III]

S.O. 356.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2119 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNCN to SNCS to OLD ROU of Balol-4

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Aro	Centi-are
Santhal	383	0 09	72	
	382	0 09	24	
	381	0 01	44	

[No.O-11027/23/87-ONG/D-III]

का.आ. 357.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2120 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनो को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एम. एन. सी. एन. से एम.एन. सी एस. से ब्लॉक-4

के पुराने आर. ओ. यू. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	ब्लॉक नं.	हेक्टेयर आर सेन्टीयर
कमल पुरा	584	0 09 36
	585	0 06 12
	582	0 05 82
	580	0 11 76
	579	0 07 08

[सं. ओ-11027/24/87/ओ एन जी/डी-III]

S.O. 357.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2120 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNCN to SNCS to Old ROU BALOL-48

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hectare	Acre	Centi-are
Kasalpura	584	0	00	36
	585	0	06	12
	582	0	05	82
	580	0	11	76
	579	0	07	08

[No. O—11027/24/87/ONG/D-III]

का. आ. सं. 358.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2127 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना जो संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार विवेक देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप से, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एम एन डी जे से एस एस सी टी एफ तक पाईप लाईन बिछाने के लिए।

राज्य—गुजरात

जिला और तालुका—मेहसाना

गांव	ब्लोक नं.	हेक्टेयर	आर	सेन्टीयर
कसलपुरा	808	0	12	00
	809	0	10	80
	813	0	07	88
	857	0	04	00

[मं. ओ-11027/25/87/ओ एन जी/डी-III]

S.O. 358.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2127 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNDJ to SSCTF

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hectare	Acre	Centi-are
Kasalpura	808	0	12	00
	809	0	10	80
	813	0	07	88
	857	0	04	00

[No.O-11027/25/87/ONG/D-III]

का. आ. 359.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2130 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित करने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. एन. जी.डी. (105) से एस. एस. सी. टी. एक. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाणा

गांव	ब्लोक नं.	हेक्टेयर और	सेन्टीयर
कसलपुरा	889	0	04 80
	897	0	06 00
	890	0	02 04
	891	0	02 04
	892	0	10 44
	860	0	02 40
	859	0	07 80
	893	0	00 84

[सं. ओ-11027/26/87/ओएनजी/डी-III]

S.O. 359.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2130 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNDG (105) to SS CTF

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hectare	Are	Centi-are
Kasalpura	889	0	04	80
	897	0	06	00
	890	0	02	04
	891	0	02	04
	892	0	10	44
	860	0	02	40
	859	0	07	80
	893	0	00	84

[No. O-11027/26/87-ONG/D-III]

का. आ. सं. 360.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2129 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

SCHEDULE

Pipeline from JNDH to Jotana GGS

State : Gujarat District & Taluka : Mchana

Village	Survey No.	Hectare	Are	Centi-are
Jotana	1517/4	0	01	32
	1511	0	09	24
	1512	0	05	40
	1508	0	06	72
	1504	0	09	96
	1503	0	09	48
	1502	0	10	56
	1495	0	03	96

[No. O-11027/27/87/ONG/D-III]

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जे. एन. जी. एच. से झुटाना जी. जी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
झुटाना	1517/4	0	01	32
	1511	0	09	24
	1512	0	05	40
	1508	0	06	72
	1504	0	09	96
	1503	0	09	48
	1502	0	10	56
	1495	0	03	96

[सं. ओ-11027/27/87/ओएनजी/डी-III]

S.O. 360.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2129 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

का. आ. सं. 361.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2128 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. एन. डी. जी. (105) से एस. एम. सी. टी.
एफ. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे न	हेक्टेयर आर.	सेन्टीयर
मुराना	1420	0	00
	1419	0	08
	1417	0	06
	1416	0	13

[सं. O-11027/28/87/ओएनजी/डी-III]

S.O. 361.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2128 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From SNOG (105) to K.S. CTF.

State : Gujarat		District & Taluka : Mehsana		
Village	Survey No.	Hectare	Ac	Centi-are
JOTANA	1420	0	00	96
	1419	0	08	88
	1417	0	06	36
	1416	0	13	92

[No O 11027/28/87-ONG/D-III]

का. आ. 362.—यह पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस

मंत्रालय की अधिसूचना का. आ. स. 2286 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अर्जन आशय घोषित कर दिया था।

और यह: मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 76 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की वजाय नेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. एन. डी. एम. से एस. एन. डी. एम. में उत्तर सथाव सी.टी.एफ. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे न	हेक्टेयर आर.	सेन्टीयर
बरोल	1238	0	03
	1237	0	08
	1304	0	06
	1305	0	06
	1323	0	07
	1322	0	17
	1419	0	00

[सं. O-11027/29/87/ओएनजी/डी-III]

S.O. 362 - Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2286 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNDX to SNDM to N. Santhal CTF

State : Gujarat District & Taluka : Mehsana

Village	Survey No	Hectare	Are	Centi-are
Balol	1238	0	03	96
	1237	0	08	28
	1304	0	06	60
	1305	0	06	60
	1323	0	07	56
	1322	0	17	40
	1419	0	00	84

[No O-11027/29/87/ONG/D-III]

का.आ. 363 —यत् पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2116 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय नैल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस एन डी और से उत्तरसंथाल सीटी एफ तक पाइप लाईन बिछाने के लिए।

राज्य—गुजरात जिला और तालुका—मेहसाना

गांव	सर्वे नं.	हेक्टर	आर	सेटीयर
संथाल	1634	0	07	56
	1622/2	0	06	60
	1635	0	10	80
	1621/1	0	00	72
	1775	0	10	56
	1620	0	03	60
	1779	0	02	88
	1780	0	09	96
	1782	0	10	08

[सं. ओ-11027/30/87-ओ एन जी डी-III]

S.O. 363.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2116 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

Schedule

Pipeline from SNDX to NORTH Santhal CTF

State : Gujarat District & Taluka : Mehsana

Village	Survey No	Hectare	Are	Centi-are
Balol	1634	0	07	56
	1622/2	0	06	60
	1635	0	10	80
	1621/1	0	00	72
	1775	0	10	56
	1620	0	03	60
	1779	0	02	88
	1780	0	09	96
	1782	0	10	08

[No O-11027/30/87/ONG/D-II]

का.आ. 364 —यत पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.स. 2521 तारीख 31-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बी.एल.एच.डब्ल्यू (40) से बलोल जी.जी.एस. तक पाइप लाइन बिछाने के लिए।

राज्य — गुजरात जिला ब तालुका — मेहसाना

गाव	सर्वे न.	हेक्टेयर	आर	सेटीयर
बलोल	822/2	0	02	40
	822/1	0	06	72
	803	0	07	68
	850/2	0	06	36
	879	0	04	92
	887	0	12	00
	895	0	03	36
	898	0	06	12
	899	0	15	60

[सं. ओ-11027/32/87-ओ एन जी/डी-III]

S.O. 364- Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2521 dated 31.8.87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline from BLHW (40) To Balol GGS

State	Gujarat	District & Taluka	Mehsana	
Village	Survey No	Hectare	Acre	Centi-are
Balol	822/2	0	02	40
	822/1	0	06	72
	803	0	07	68
	850/2	0	06	36
	879	0	04	92
	887	0	12	00
	895	0	03	36
	898	0	06	12
	899	0	15	60

[No O-11027/32/87/ONG/D-III]

का.आ. 365 — यत पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.स. 2118 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन.सी.एन. से एस.एन.सी.एस. से बलोल-4 के पुराने आर.ओ. यू. तक पाइप लाइन बिछाने के लिए।

राज्य : —गुजरात जिला व तालुका : —मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
बलोल	1760	0	06	84

[सं. ओ-11027/33/87-ओ एन जी/डी-III]

S.O. 365.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2118 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline from SNCN to SNCS to OLD ROU of B-4

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centi-are
Balol	1760	0	06	84

[No. O-11027/33/87/ONG/D-II]

का आ 366-यन. पेट्रोलेियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार ने पेट्रोलेियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2522 तारीख 31-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यन सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 के उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन. डी.ओ. से एस.एन.डी.आर. से उत्तर मंथाल जी.जी.एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
बलोल	1626	0	03	72
	1406	0	09	00
	1407	0	06	60
	1408	0	01	92

[सं. ओ-11027/34/87/ओ एन जी/डी III]

S.O. 366.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2522 dated 31-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SNDO to SNDR to North Santhal
GGS

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Acre	Centi- are
Balol	1626	0	03	72
	1406	0	09	00
	1407	0	06	60
	1408	0	01	92

[No. O-11027/34/87/ONG/D-III]

का.आ. 367:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2117 तारीख 30-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइन को बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार 243 GI/88—3

में निहित होने की बजाय तेल और प्राकृतिक गैस प्रयोग में, सभी बाधाओं में मुक्त रूप में, बोधना के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन सी.एम में बलो ल तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला और तालुका : मेहसाणा	महल नं.	हेक्टर	आर	सेन्टीयर
गांव					
बलो ल		1782	0	01	80
		1783	0	06	36
		1784	0	09	72
		1790	0	07	80
		1791	0	08	16
	कार्ट ट्रैक	0	00	96	

[सं ओ-11027/35/87-ओ एन जी/डी-III]

S.O. 367.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2117 dated 30-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

SCHEDULE

Pipeline from SNCM to Balol-4

State : Gujarat	District & Taluka : Mehsana	Survey No.	Hectare	Acre	Centi- are
Village					
Balol		1782	0	01	80
		1783	0	06	36
		1784	0	09	72
		1790	0	07	80
		1791	0	08	16
	Cart track	0	00	96	

[No. O-11027/35/ONG/D-III]

भारतीय मानक ब्यूरो

नई दिल्ली, 27 जनवरी, 1988

का.आ. 368.—ब्यूरो, भारतीय मानक ब्यूरो नियम, 1987 के नियम 6 के साथ पठित, भारतीय मानक ब्यूरो अधिनियम, 1986 (1986 का 63) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार के पूर्व अनुमोदन से, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 12 मई, 1987 में प्रकाशित, भारतीय मानक ब्यूरो की अधिसूचना सं. का.आ. 464 (अ) का निम्नलिखित संशोधन करता है, अर्थात् :—

उक्त अधिसूचना में क्रम संख्यांक (9) और (11) और उनसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“(9) डा.एन. डी. वेसाई, सदस्य
अध्यक्ष
इलेक्ट्रॉनिक संघटक उद्योग संगम
नई दिल्ली।

(11) श्री के.के. नौहरिया, सदस्य
अध्यक्ष
भारतीय इलेक्ट्रिकल और इलेक्ट्रॉनिक विनिर्माता संगम,
मुम्बई।”

[सं. बीआईएस/इसी/ए-1]

कि. रा. परमेश्वर, महानिदेशक

टिप्पण: मूल अधिसूचना का.आ.सं. 464(अ) तारीख 12 मई, 1987 द्वारा अधिसूचित की गई थी।

BUREAU OF INDIAN STANDARDS

New Delhi, the 27th January, 1988

S.O. 368.—In exercise of the powers conferred by sub-section (1) of section 4 of the Bureau of Indian Standards Act, 1986 (63 of 1986), read with rule 6 of the Bureau of Indian Standards Rules, 1987, the Bureau with the prior approval of the Central Government, hereby makes the following amendment to the notification of the Bureau of Indian Standards No. S.O. 464(E) published in the Gazette of India,

अनुसूची

राज्य	जिला	तहसील	परिक्षेत्र	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित किए गए राजस्व प्लॉट संख्यांक	क्षेत्र
1	2	3	4	5	6	7
उड़ीसा	कटक	जयसिंह पुर	भवानी पुर सीजा बलिया	भुवनेश्वर महादेव मंदिर	सर्वेक्षण प्लॉट सं. 2298 और 2297	0.28 एकड़
सीमाएं			स्वामित्व		टिप्पणियां	
8			9		10	
उत्तर—सर्वेक्षण प्लॉट सं. 2298			निजी		मंदिर में पूजा की जाती है। भगवती ठाकुर	
पूर्व—सर्वेक्षण प्लॉट सं. 2301					राजी मंदिर और अहाते में के आध्यात्मिक	
दक्षिण—सर्वेक्षण प्लॉट सं. 2295 और 2303					रमोईश्वर को संरक्षण के अधीन नहीं लिया	
पश्चिम—सर्वेक्षण सं. 2294, 2293					गया है।	

Part II, Section 3, sub-section (ii) dated 12th May, 1987, namely :—

In the said notification, for serial numbers (9) and (11) and the entries relating thereto, the following shall be substituted, namely :—

- “(9) Dr. N. D. Desai, Member,
President,
Electronic Component Industries
Association,
New Delhi.
(11) Shri K. K. Nohria, Member,
President,
Indian Electrical and Electronics
Manufacturers Association,
Bombay.”

[No. BIS/EC/A-1]

K. R. PARAMESVAR, Director General

NOTE.—The Principal notification was notified vide No. S.O. 464(E) dated 12th May, 1987.

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 20 जनवरी, 1988

(पुरातत्व)

का.आ. 369.—केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का हैं ;

अतः अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और आवर्षण अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग 2, खण्ड 3, उपखंड (ii) तारीख 16 जून, 1984 में प्रकाशित भारत सरकार के संस्कृति विभाग भारतीय पुरातत्व सर्वेक्षण की अधिसूचना सं. का.आ. 1934 तारीख 4 जून, 1984 को अधिक्रांत करते हुए, उक्त संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

केन्द्रीय सरकार, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त संस्मारक में हितवद्ध किसी व्यक्ति से प्राप्त किसी आक्षेप पर विचार करेगी।

[सं. 2/22/80—एम]

जगतपती जोशी, महानिदेशक

DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 20th January, 1988

(ARCHAEOLOGY)

S.O. 369.—Whereas the Central Government is of the opinion that the ancient monument specified in the schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and

in supersession of the notification of the Government of India, Department of Culture (Archaeological Survey of India) number S.O. 1934 dated the 4th June, 1984, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 16th June, 1984, the Central Government hereby gives notice of its intention to declare the said monument to be of national importance;

Any objection which may be received from any person interested in the said monument within a period of two months from the date of publication of this notification in the Official Gazette will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Orissa	Cuttack	Jagat-Singhpur	Bhabanipur Mouza Balia	Mahadev temple	Survey plot numbers 2296 and 2297.	0.28 acres	North:— Survey plot No. 2298. East:— Survey plot No. 2301 and 2303 South:— Survey plot Nos. 2295 and 2303. West:— Survey plot Nos. 2294, 2293	Private	The temple is under worship. The Bhagwa Thakurani temple and modern kitchen in the compound are not included under protection.

[No. 2/22/80—M]

JAGAT PATI JOSHI, Director General

खम मंत्रालय

नई दिल्ली, 18 जनवरी, 1988

का.आ. 370.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नेशनल सीइस कॉर्पोरेशन लिमिटेड (भटिंडा प्रोसेसिंग प्लांट) भटिंडा के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से प्रथम मई, 1986 से 30 सितम्बर, 1988 तक की जिसमें यह तारीख भी सम्मिलित है, की अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदामिधान दिखाए जाएंगे;

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सन्वत्स अभिदायों के आधार पर हकदार हो जाते;

(3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हैं तो वे वापस नहीं किए जाएंगे;

(4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1959 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(5) निगम द्वारा उक्त अधिनियम की धारा 49 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—

- (i) धारा 44 की उपधारा (1) के अधीन, उक्त अधिध की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;
- (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अधिध के लिए रखे गये थे या नहीं; या
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिनियम के अधीन छूट दी जा रही है, नकद में आरंभ रूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अधिध के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संचालन में संबंधित ऐसे लेखा, बहिया और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकारी या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करे; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखावही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[संख्या एस-38014/61/87-एस.एस. I]

MINISTRY OF LABOUR

New Delhi, the 18th January, 1988

S.O. 370.—In exercise of the power conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the National Seeds Corporation Ltd., (Bhatinda Processing Plant), Bhatinda from the operation of the said Act for a period with effect from 1st May, 1986 upto and inclusive of the 30th September, 1988.

2. The above exemption is subject to the following conditions, namely:—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[F. No. S-38014/61/87-SSI]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

का. आ. 371—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिये:—

1. मैसर्स पी.वी.सी. मोल्डर्स प्राइवेट लि., 7 काली प्रशान्ता सिंह रोड, कोसीपुर, कलकत्ता-2

2. मैसर्स डेरमट हतियारा बागुईहाती, कलकत्ता-59

3. मैसर्स प्लास्टिक-ओ-मेटल इन्टरप्राइजिज 2/32 विवेकनगर कलकत्ता-75

4. मैसर्स नेशनल फोरजिंग्स, 72 लाला बाबू शायर रोड, बेलूर हावड़ा

5. मैसर्स पराशन एण्ड कम्पनी, पी-292/2, बनारस रोड, हावड़ा-100

6. मैसर्स हल्दिया पेट्रोकेमिकल्स लि., 31 नेताजी सुभाष रोड, कलकत्ता-1 और इसकी 98 नेहरू प्लेस, नई दिल्ली-19 स्थित शाखा

7. मैसर्स इटेग्रेटेड मार्केटिंग प्राइवेट लि., 6 एफ. नीलाम्बर, 28 बी मैक्सपीयर्स सरानी कलकत्ता-17 और इसकी बम्बई तथा गांधीधाम कुच स्थित शाखाएं

8. मैसर्स प्रभात कैरिंग कम्पनी (आसम) प्राइवेट लि., 3 नवाब बद्रुद्दीन स्ट्रीट कलकत्ता-73 और इसका ए.टी. रोड गोहाटी (आसम) स्थित पंजीकरण कार्यालय

9. मैसर्स भारत होजरी इन्डस्ट्रीज 58/2/1-ए बेरकपुर ट्रंक रोड, कलकत्ता-2

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35017(1)/88-स.स.-2]

S.O. 371.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely,—

1. M/s. P.V.C. Moulders, Private Limited, 7, Kaliprasanna Singhee Road, Cossipore, Calcutta-2

2. M/s. Thermet, Hatima, Baguihati, Calcutta-59.

3. M/s. Plastic-O-Metal Enterprises, 2/32, Vivek Nagar, Calcutta-75.

4. M/s. National Forgings, 72, Lala Babu Shire Road, Belur, Howrah.

5. M/s. Pranson and Company, P-292/2, Benares Road, Howrah-108.

6. M/s. Haldia Petrochemicals Limited, 31, Netaji Subhas Road, Calcutta-1, including its Branch at 98, Nehru Place, New Delhi-19.

7. M/s. Integrated Marketing Private Limited, 6F, Neelambar, 28-B, Shakespear's Sarani, Calcutta-17, including its branches at Bombay and Gandhidham, Kutch.

8. M/s. Prabhat Carrying Company (Assam) Private Limited, 3, Nawab Badruddin Street, Calcutta-73, including its Registered Office at A.T. Road, Gauhati-9 (Assam)

9. M/s. Bharat Hosiery Industries, 58/2/1A, Barrackpore Trunk Road, Calcutta-2.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[No. S 35017(1)/88-SS-II]

नई दिल्ली, 20 जनवरी, 1988

का. आ. 372.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1 फरवरी, 1988 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला और ताल्लुक टुमकुर के हुबली कस्बा के अधीन राजस्व गांव, सत्यामंगला, अन्धरासन्नहल्ली, हेगेरे, सिद्धार्थनगर, लिंगापुरा, वटवडी, शेदटीहल्ली, सिद्धगंगा (तकनीकी प्रसार संस्थान) ओमकेरे, पन्डीथनाहल्ली, हीरेहल्ली, सत्यामंगला औद्योगिक क्षेत्र और कर्नाटक हैंडल कम्प्लेक्स के अन्तर्गत आने वाले क्षेत्र”

[संख्या एस-38013/1/88-एस.एस.-1]

New Delhi, the 20th January, 1988

S.O. 372.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st February, 1988 as the date on which the provisions of Chapter IV (except sections 44 and 45 which are already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely:—

“The areas comprising of the Revenue Villages Sathya-mangala, Antharasanahalli, Heggere, Siddharthanagar,

Shettihalli, Lingapura, Batavadi, Siddaganga Institute of Technology Extension, Oorukere Pandithanahalli, Hirehalli, Sathyamangala Indl. Area and Karnataka Hand Tools Complex, under Hobli Kusaba in Taluk and District Tumkur."

[No. S-38013/1/88-SS.I]

का.आ. 373—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिये :—

1. मैसर्स टेकनो कन्सेप्ट्स, 20 गुरुकरुपा सोसाइटी, करेली बाग, बड़ौदा

2. मैसर्स राजसन विल्डर्स एण्ड कन्स्ट्रक्शंस घट्टेज ब्लाक सियाबाग, बड़ौदा-1

3. मैसर्स भूज कोमर्शियल को-ऑपरेटिव बैंक लिमिटेड, भीड़ बाजार, भुज

4. मैसर्स गोस्वामी फॅब्रीकेशनस, रामपुरा, अंगद रोड, बड़ौदा

5. मैसर्स डोल्फ इन्डस्ट्रीज 906/2 एवं 3 जी आई डी सी स्टेट, मकरपुरा, बड़ौदा-10

6. मैसर्स खोडाभाई देवसीभाई राठौड, "मुरलीधर" भीरसतरा सोसाइटी एट बहुआ जिला बड़ौदा

7. मैसर्स पोली मैच प्लास्ट, 775 जी.आई.डी.सी., मकरपुरा, बड़ौदा

8. मैसर्स जयन्त आयल मिल्स, 480-81-82 जी.आई.डी.सी., मकरपुरा, बड़ौदा

9. मैसर्स अनवर रोड लाइनर्स, अतुल रेलवे स्टेशन, अतुल जिला बुलसर और इसकी उमी जिले में स्थित दो शाखाएं

10. मैसर्स कॉर्नर स्टोन ब्राण्ड्स प्राइवेट लिमिटेड, लाल बहादुर शास्त्री मार्ग, नारोड़ा रखियाल, कास रोड, अहमदाबाद

11. मैसर्स सागर स्प्रींग प्राइवेट लिमिटेड, 37 विमल सोसाइटी, ओ.पी.एन.जी. पी के सामने मकरपुर बड़ौदा और इसकी नजदीक लक्की स्टुडियो पोस्ट मधासर, ताल्लुक हलोल, जिला पंचमहल स्थित कारखाना

12. मैसर्स पुजारी इंजीनियर्स, ई-48 भक्तिनगर इन्डस्ट्रियल स्टेट, राजकोट-2

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35019 (1)/88-एस.एस.-2]

S.O. 373.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely,—

1. M/s. Techno Concepts, 20, Gurukrupa Society Kareli-baug, Baroda.

2. M/s. Rajsun Builders and Contractors Ghatage Blocks Shiya Baug, Baroda-1.

3. M/s. Bhuj Commercial Co-operative Bank Limited, Bhid Bazar, Bhuj.

4. M/s. Goswami Fabrications, Rampura, Angadh Road, Baroda.

5. M/s. Dalf Industries, 906/2 & 3. G. I.D.C. Estate, Makarpura, Baroda-10.

6. M/s. Khodabhai Devshibhai Rathed "Morlidhar" Saurashtra Society at Bahuwa, District Baroda.

7. M/s. Polymech Plast, 775, G.I.D.C. Makarpura, Baroda.

8. M/s. Jayant Oil Mills, 480-81-82, G.I.D.C. Makarpura, Baroda.

9. M/s. Anwar Road Lines, Atul Railway Station, Atul, District Bulsar, including its two branches in the same district.

10. M/s. Corner Stone Brands Private Limitede, Lal Bahadur Shastri Marg, Naroda, Rakhial, Cross Road, Ahmedabad.

11. M/s. Sagar Spring Private Limited, 37 Vimal Society Opp. O.N.G.C. Makarpura, Baroda, including its factory at Near Lucky Studio, Post Maghasar, Taluq Halol, District Panchmahal.

12. M/s. Punjani Engineers, F-48, Bhaktinagar, Industrial Estate, Rajkot-2.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[No. S. 35019(1)/88-SS-II]

का.आ. 374—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एशियन बेकर्स (इण्डिया) वगापारा, त्रिवेंद्रम नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(59)/87-स.सु.-2]

S.O. 374 —Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Asian Bakers (India) Pangapara, Trivandrum, have agreed that the provision of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019(59)/87-SS-II]

का.आ 375—मैमर्भ कमानी मैटल्स एण्ड अल्लोयस लि., व्हाइट फील्ड रोड, महादेवापुरा पोस्ट, बंगलौर-560048 (के.एन./4539) (जिसे हमने इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे हमने इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिये आवेदन किया है,

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारियों किसी पृथक् अभिदाय या प्रीमियम का संवाय किये बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे है वे ऐसे कर्मचारियों को उन फायदों में अधिक अनुबूल है जो उन्हें कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे हमने इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय को अधिसूचना संख्या का.आ 1570 तारीख 27-3-1985 के अनुसरण में और इससे उपावद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 13-4-1988 से तीन वर्ष की अवधि के लिये जिसमें 12-4-1991 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन में छूट देती है।

अनुसूची

1. उक्त स्थापन के मध्य में नियोजक प्रादेशिक भविष्य निधि आयुक्त कर्नाटक को ऐसी विवरणियां भेजेगा और और ऐसे लेखा रखेगा तथा निरीक्षण के लिये ऐसी सुविधाये प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐंभ निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड(क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों को एक प्रति, और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति

राष्ट्र कर्मचारियों की बहुसंख्या में भाषा में उनकी मुहताबों का अनुवाद, स्थापन के स्वना पट्ट पर प्रदर्शित करेगा।

5 यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वांछित आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6 यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप में वृद्धि की जाने की व्यवस्था करेगा जिसमें कि कर्मचारियों के लिये सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी को मृत्यु पर इस स्कीम के अधीन सन्देश्य रकम उस रकम से कम है जो कर्मचारी को उस वशा में सन्देश्य होनी जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8 सामूहिक स्कीम के उपबन्धों में कोई भी मशोधन, प्रादेशिक भविष्य निधि आयुक्त, कर्नाटक के पूर्व अनुमोदन के बिना नहीं किया जायेगा और जहां किसी मशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने में पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुविध्युक्त अवसर देगा।

9 यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम, की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किये गये किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम-निर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/70/85-एस.एस.-4(एस.एस.-2)]

S.O. 375.—Whereas Messrs Kamini Metals and Alloys Limited, Whitefield Road, Mahadevapura Post, Bangalore-560048 (KN/4539) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 1570 dated the 27-3-1985 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 13-4-1988 upto and inclusive of the 12-4-1991.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Karnataka and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Karnataka and where any amendment is likely to effect adversely the interest of the employees, the regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014/70/85-SS IV (SS.II)]

का. आ. 376:—मैसर्स कलकत्ता मैडिकल रिसर्च इन्स्टीट्यूट, 7/2, डायमण्ड हारबोर रोड, कलकत्ता (डब्ल्यू. बी. / 15009) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप महबूब बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभूत है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1608 तारीख 2-4-1985 के अनुसरण में और इससे उपाबद्ध श्रमसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 13-4-1988 से तीन वर्ष की अवधि

के लिए जिसमें 12-4-1991 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजन प्रादेशिक भविष्य निधि आयुक्त पश्चिम बंगाल को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभागों का प्रत्येक भाग की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभागों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी जागत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाने हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से आर्थिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर उस स्कीम के अधीन सन्देश रकम उस रकम से कम से है जो कर्मचारी को उस दशा में सन्देश होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के धार्मिक वारिस/नामनिर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, पश्चिम बंगाल, के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने की युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम, की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्ययगत हो जाने बिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या निधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशिनी/निधिक वारिसों को उस राशि का सन्दाय उत्तरदायिता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एम.-35014/80/85-एस०एस.-4(एस.एस. 2)]

S.O. 376.—Whereas Messrs. Calcutta Medical Research Institute, 7/2, Diamond Harbour Road, Calcutta ((WB)15009) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 1608 dated the 2-4-1985 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 13-4-1988 upto and inclusive of the 12-4-1991.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, West Bengal and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, West Bengal and where any amendment is likely to effect adversely the interest of the employees, the regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

का.आ. 377:—वैससंकी अनुप इंजीनियरिंग लि. अहमदाबाद (जी.जे./1912) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है (की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी एक अधिदाय या प्रीमियम को सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुमेय है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 912 तारीख 18-2-1985 के अनुसरण में और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 2-3-1988 से तीन वर्ष की अवधि के लिए जिसमें 1-3-1991 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजन-प्रादेशिक भविष्य निधि आयुक्त गुजरात को ऐसी विवरणियाँ भेजनी और ऐसे लेखा-रखेखा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करनी जो केन्द्रीय सरकार समय-समय पर विनिर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रधारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) के खण्ड (क) के अधीन समय-समय पर विनिर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रधारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उसी संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक

बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में अनुचित रूप से वृद्धि को जाने की व्यवस्था करेगा जिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुज्ञेय हूँ

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर उक्त स्कीम के अधीन सन्देश्य रकम उस रकम से कम है जो कर्मचारी को उस दशा में सन्देश्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम को सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम, की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तरीके के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्यवगत हो जाने दिखा जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यक्तिकर को दशा में, मृत सदस्यों के नामनिर्देशिकियों या विधिक वारिसों को जो यदि यह, छूट न हो गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशिनी/विधिक वारिसों को, उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस.-35014/33/85-एस.एस.-IV(एस.एस. 2)]

S.O. 377.—Whereas Messrs. The Anup Engineering Limited, Ahmedabad (GJ/1912) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employers' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 912 dated the 18-2-1985 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 2-3-1988 up to and inclusive of the 1-3-1991.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employee's Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are favourable to the employees then the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to effect adversely the interest of the employees, the regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/33/85-SS-IV (SS. II)]

का.आ. 378.—मैसर्स क्लस इन्जीनियरिंग प्राइवेट लि., नं. 31, फर्स्ट ब्लाक ईस्ट, जयनगर, बंगलोर-11 (के.एन./4538) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1457 तारीख 25-3-1985 के अनुसरण में और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को 6-4-1988 से तीन वर्ष की अवधि के लिए जिसमें 5-4-1991 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजन प्रादेशिक भविष्य निधि आयुक्त कर्नाटका को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय

सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन तदनुसार पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्वयण, निरीक्षण प्रभारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचनापट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दत्त करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपबन्ध फायदे बढ़ाये जाने हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश्य रकम उस रकम से कम है जो कर्मचारी को उस दशा में सन्देश्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नासनिर्देशिती को प्रतिफल के रूप में दोनों रकमों के अन्तर के बाबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त कर्नाटका के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम, की उस सामूहिक स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी की व्ययगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/62/85-एस.एस-4 (एस.एस-2)]

S.O. 378.—Whereas Messrs. Klas Engineering Private Limited, No. 31, 1st Block East, Jayanagar, Bangalore-11 (K.N/4538) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 1457 dated the 25-3-1985 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 6-4-1988 upto and inclusive of the 5-4-1991.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Karnataka and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Karnataka and where any amendment is likely to effect adversely the interest of the employees, the regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/62/85-SS-IV (SS. II)]

का. आ. 379—मैसर्स दी अहमदाबाद मैनफैक्चरिंग एंड कौलीको प्रिटिंग कंपनी लि. (कौलीको मिल्स) जबलपुर गेट के बाहर, अहमदाबाद (जी. जे./279) (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों में अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन अनुभोग्य हैं ;

२३-१०-८५ उपाध्यक्ष अमरसूची में विनिर्दिष्ट शर्तों के अधीन रहते
हृदय क्षात स्थापना को, 18-9-1985 से तीन वर्ष की अवधि
की लिए मिलेंगे। 17-9-1988 की समिति है, उक्त स्वीकृत
के तभी उपबंधों के प्रस्ताव से छुट देनी है।

3.2 नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिनों के भीतर प्रदाय करेगा जो केन्द्रीय सरकार द्वारा प्रक्रिया की श्रृंखला 17 की उपधारा (3क) के तहत

तीसरा प्रीतियम का संवाद, लेखकों का अंतरण, निरीक्षण प्रसारण का संवाद आदि भी है, होके बाकी सभी व्यक्तियों का वृत्त निधो-जके द्वारा किया जायगा ।

यदि कोई ऐसा कार्यवासी, जो कर्मचारी भविष्य निधि का जो उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उससे स्थापन में निम्न

(c) 6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को कमलक फायदे बढ़ाए जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उचित फायदे में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उचित फायदे उन परिस्थितियों में अधिक प्रयुक्त हों। जो उक्त स्कीम के अधीन अनु-नीय होंगी। 18 फरवरी 1974 को की गई बैठक में इसका

2012年12月15日 星期日

10. 6. 2. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 83

[illegible]

10-10-68

निंख्या पुन-35014/15/82-पी एक 2 (एस एस-2)।

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India of the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in consultation of the Government of India in the Ministry of Labour, S.O. 3333 dated the 27-8-1982 and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 18-9-1983 upto and inclusive of the 17-9-1988.

STOPS S IN PYTHAGORAS SCHEDULE TIME PLANE 4.11.10

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 47 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, ~~alongwith~~ ^{with} a translation of the salient features thereof, in the language of the majority of the employees.

(b) (1) (c) 1. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme; and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under the Scheme is less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/ nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat, and where any amendment is likely to effect adversely the interest of the employees, the regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium, etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default if any made by the employer in payment of premium in the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heir of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

INQ. S-35014/15/82-PE.II (SS.II)

नई दिल्ली, 25 अक्टूबर, 1998

कि निम्नलिखित स्थापन से संबंधित विद्यार्थक और कार्यचारियों की वृत्तस्था इस बात पर प्रभावित हो गई है कि कार्यकारी भविष्य निधि और प्रकीर्ण उपदेश्य प्रतिनिधियों (1952 (1952 का 19) के उपबंध संबंधित स्थापन को लागू किया जाना चाहिए।

1. नैसर्ग बिहार स्टेट पाइनेज एंड फाईनान्स कारपोरेशन लि., केयर आफ ए.के. जोगरी, ग्रामी. पी.एस. ईस्ट धोरिंग कौसांग रोड, पटना।

2. मैसर्स पाटलीपुत्र एजन्सी, डाक बंगला रोड,
पटना-1.

3. मैसर्स एम आर कन्स्ट्रक्शन कार्पोरेशन, 23 ज्ञानी
मैनशन, अम्बागान रोड, सांकची, जमशेदपुर।

4. मैमर्स प्रेम इन्डियन वर्क्स, रुहेस, रूडि, जुगसा जाम, जमशेदपुर ।

5. मैसूर, सी. एस. बंदी एंड कंपनी, 63 न्यू बारा दरी,
साकची, जमशेदपुर।

6. मैसर्स बी. बी. एजेंसी, गोविन्द मित्रा रोड, पटना-4

अतः केन्द्रीय सरकार उपर धारा नियम की धारा 1,
की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

संख्या एस-35019 (2)/38-स.सु.-2]

New Delhi, the 25th January, 1938

S.O. 380.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to their respective establishment, namely :

1. M/s. Bihar State Minorities Financial Corporation Limited, C/o A. K. Choudhry, I.P.S. East Berin Canal Road, Patna.

2. M/s. Patliputra Uni-Agencies, Dak Bunglow Road
Patna-1. Telephone 4462. Bangalore 4462.

3. M/s. M. R. Construction Corporation, 23, Gani Man...

4. M/s. Prem Engineering Works, Station Road, Jala

5. M/o. G. S. Reddy and Company, 62, New Bazaar,

3. M/S. C. S. Beni and Company, 63, New Baradwar
Sakchi, Jannshedpur.

van 6. M/1 H. B. Agency, Govind Mitra Road Patna-4.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments. 1955-10-10

INVESTIGATION NO. S-65019(2) / 88-99-0

का. आ. 381—केंद्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापित से सम्बद्ध नियोजक और कर्मचारियों की संस्थाएँ इसी बात पर सहमत हो गई हैं कि कामगारों

भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध संबंधित स्थापन को लागू किये जाने चाहिए :—

1. मैसर्स एक्सपोर्ट सिक्यूरिटी सर्विसिज (एकम सर्विस मैन इंटरप्राइजिज) खंड 9 सी आत्माराम हाउस, 1 टालस्टाय मार्ग, नई दिल्ली-1

2. मैसर्स अनरीतसु कोरपोरेशन, नई दिल्ली, लाइजन कार्यालय, 508 प्रकाश द्वीप 7, टालस्टाय मार्ग, नई दिल्ली-1

3. मैसर्स ट्रान्स्ट्रोनिक्स (इंडिया) प्राइवेट लि., शेड नं. 80-ए डी. डी. ए शेड्स, ओखला इंडस्ट्रीयल एरिया, फेज-II, नई दिल्ली-26

4. मैसर्स जी डी सी पावर इंजिनियरिंग सर्विसिज आफ इंडिया लि., एस-69, ग्रेटर कैलाश, पार्ट-2, नई दिल्ली

5. मैसर्स कोन्टीनेन्टल केबल्स इंडस्ट्रीज, डी-2/3, ओखला इंडस्ट्रीयल एरिया, फेज-2, नई दिल्ली और डबका बी-44, निजामुद्दीन वैस्ट, नई दिल्ली-13 स्थित कार्यालय।

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35019(3)/88-स. सु.-2]

ए. के. भट्टराई, अवर सचिव

S.O. 381.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely :

1. M/s. Export Security Services (Ex-Servicemen Enterprises) Floor 9-C Atma Ram House, I Tolstoy Marg, New Delhi-1.
2. M/s. Anritsu Corporation, New Delhi, Liaison Office, 508 Prakash Deep 7, Tolstoy Marg, New Delhi-1.
3. M/s. Transtronix (India) Private Limited, Shed No. 80-A D.D.A. Sheds, Okhla Industrial Area, Phase-II, New Delhi-20.
4. M/s. GEC, Power Engineering Services of India Limited, S-69 Greater Kailash, Part I, New Delhi.
5. M/s. Continental Cable Industries, D-2/3, Okhla Industrial Area Phase-II, New Delhi, including its Office at B-44, Nizamuddin West, New Delhi-13.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S-35019(35)/88-SS-II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 21 जनवरी, 1988

का.आ. 382:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व जीअलमोरा कोलियरी, भोवरा क्षेत्र नं. 11 मैसर्स भारत कोकिंग कोल लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-88 को प्राप्त हुआ था।

New Delhi, the 21st January, 1988

S.O. 382.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jealgora Colliery of Bhowra Area No. XI of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 12th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 131 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Jealgora Colliery of Bhowra Area No. XI of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. Lal, Advocate.

On behalf of the employers—Mr. R. S. Murthy, Advocate.

State : Bihar Industry : Coal
Dhanbad, the 5th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (149)/85-D. IV(B), dated the 14th March, 1986.

SCHEDULE

"Whether the action of the Management of Jealgora Colliery of Bhowra Area No. XI of M/s. B.C.C.L. P.O. Jealgore, Distt. Dhanbad in dismissing Shri Dayaram Kalwar, M.C. Loader from service with effect from August, 1981 is justified? If not, to what relief the workman is entitled?"

The case of the concerned workman Shri Dayaram Kalwar is that he was working as a permanent employee of Jealgora Colliery of M/s. BCCL as M.C. Loader. He was chargesheeted vide chargesheet dated 15-9-78 for the allegation that on 31-7-78 at about 11.30 a.m. he alongwith about 300 persons wrongfully confined Shri R. S. Ojha, Area Finance Manager Area No. XI Bhowra within the office compound of Jealgora Colliery from 11.30 a.m. to 2.30 p.m. and when Shri Ojha attempted to go out of the ring formed by the concerned workman and others, he was physically restrained from moving out and he was also assaulted by the concerned workman with shoe from a distance of about 6 feet. The concerned workman denied the allegation in his reply to the chargesheet. Thereafter an enquiry was conducted into the charges against the concerned workman. The enquiry was merely an eye wash and pre-determined to victimise the concerned workman. The management had forcibly directed Miajan and Rajkumar Bhuja to depose falsely under undue influence against the concerned workman. The enquiry report submitted by the enquiry officer was perverse. The disciplinary authority without applying his own mind to the enquiry proceeding and report of the domestic enquiry illegally dismissed the concerned workman. The disciplinary authority did not consider the long past service record of the con-

concerned workman who was a loyal employee of the company. The dismissal of the concerned workman was illegal and unjustified and the punishment of dismissal inflicted to him is too severe and shocking to the conscience and it is prayed that an Award be passed holding that the dismissal of the concerned workman was illegal and unjustified and he should be reinstated with full back wages and other benefits.

The case of the management is that the reference is bad in law and not maintainable being overstate. On receipt of report of serious misconduct committed by the concerned workman on 31-7-78 he was issued with a chargesheet by the colliery Supdt./Agent of the Jealgora Colliery. The concerned workman submitted his explanation to the chargesheet which was found to be unsatisfactory. Thereafter the Agent of the colliery appointed Shri K. Kumar, Dy. Personnel Manager as Enquiry Officer. The Enquiry Officer held the enquiry against the concerned workman and one Shri Rajdeo jointly. The concerned workman after participating in the enquiry for sometime chose to stay away from the enquiry and thereafter the enquiry officer was left with no other alternative but to hold the enquiry against him ex-parte. The concerned workman had participated in the enquiry in whose presence all the management's witnesses were examined and he had also given his statement before the enquiry officer. Till that time the concerned workman was given full opportunity to cross-examine the management's witnesses and to defend his case. He had failed to produce defence witness. The concerned workman stayed away from the enquiry as he had no defence. He instituted a Civil Suit and got the proceeding stayed for a long time. After the disposal of the Civil Suit the concerned workman was given notice to appear before the enquiry officer but he did not appear. The enquiry officer submitted his enquiry report finding the concerned workman and the Rajdeo guilty of the charges levelled against them. The report of the enquiry officer was considered by the Agent, Jealgora Colliery and thereafter the Agent came to the conclusion that this was a fit case in which the concerned workman should be dismissed from service. Accordingly the concerned workman was dismissed from service by the management vide letter dated 28/29-8-81 with immediate effect. The dismissal of the concerned workman also received the approval of the General Manager/C.M.F. Bhowra area. Considering the facts and circumstances of the case the action taken by the management in dismissing the concerned workman from service is fully justified and the concerned workman is not entitled to any relief.

The points to be considered in this case are whether the management had established the charge against the concerned workman and whether the punishment inflicted upon him was excessive.

Vide Ordersheet dt. 10-7-87 I have already held while deciding the preliminary issue that the enquiry proceeding against the concerned workman was fair and proper and thereafter this case was fixed for hearing on merit on the material already on the record of the enquiry proceeding.

Ext. M-3 is the chargesheet dt. 15-9-78 against the concerned workman. Ext M-1 dt. 15-11-78 is an office memorandum under the signature of Supdt. of Mines Jealgora colliery showing that Shri K. Kumar, Dy. Personnel Manager Area No XI Bhowra was appointed as an enquiry Officer to conduct the enquiry against the concerned workman and Rajdeo. Ext.M-5 dt. 12-12-78 is an order by which Shri A. P. Singh, Personnel Officer, Jealgora Colliery was authorised to represent the case on behalf of the management before the enquiry officer. The concerned workman had applied before the enquiry Officer on 15-5-79 that one Shri Pancham Koiri be allowed to represent him as Co-worker in the enquiry proceeding which is marked Ext.M-7/1. This prayer of the concerned workman was rejected by the enquiry officer in this ordersheet on the ground that Pancham Koiri was an employee of another colliery and was not a co-worker. However the concerned workman was allowed to have another co-worker. Thereafter the concerned workman appointed Shri Sudama Tewari as his co-worker vide Ext. M-7/9 dt. 30-7-79 and the said Sudama Tewari had helped the concerned workman in the enquiry proceeding. Thus it appears that the

concerned workman himself alongwith his co-worker Shri Sudama Tewari had appeared in the enquiry proceeding. Ext. M-11 is the enquiry proceeding which will also show that the concerned workman and Shri Sudama Tewari had appeared in the enquiry proceeding.

Ext. M-11 will show that the management had examined Shri R. S. Ojha, Area Finance Manager, Bhowra Area, Shri Ram Narayan Prasad, Pump Khalasi, Moti Lal Yadav, Night Guard, Badri Pd., Fan Khalasi, Miazan, Trammer, Raj Kumar Bhuia loader, Rameshwar, Attendance Clerk No. 7 Pit Jealgora Colliery and Shri Kanhai Singh, Haulage Khalasi in order to establish the charge against the concerned workman. They were all employees of Jealgora Colliery. Shri R. S. Ojha Area Finance Manager is the person who is said to be gheraoed by the concerned workman and others and was assaulted with shoe by the concerned workman. He has stated that on 31-7-78 at about 11.30 a.m. he had gone to Jealgora Colliery when about 300 workmen of Jealgora Colliery gheraoed him and kept him confined till 2.30 p.m. He has stated that when he wanted to go out from the scorching heat from the gherao one Rajdeo forcibly stopped him from going out and his associates concerned workman Dayaram Kalwar, who was standing at some distance assaulted him by throwing his shoe heating him on the left shoulder. Although this witness was cross-examined by the other chargesheeted workmen Rajdeo, the concerned workman did not cross-examine him. Thus the evidence of Shri R. S. Ojha has remained unassailed. There is nothing on the record to show that Shri Ojha had any previous grudge with the concerned workman so as to falsely entangle the concerned workman in this case. Moreover, Shri Ojha's evidence has been fully corroborated by as many as 6 witnesses. Witness Ramnarayan Pd. Pump Khalasi has stated that about 7 months ago Shri S. N. Singh and Shri R. S. Ojha had gone to Jealgora Colliery office compound where they were surrounded by 200 to 300 labourers. He was also present at that place. He has stated that the concerned workman Dayaram threw his shoe at Shri R. S. Ojha in order to assault him which hit Shri R. S. Ojha. He was cross-examined by Dayaram. He has stated that he had no dispute with the concerned workman at the time of the said occurrence. He has denied that he had any dispute with the concerned workman in respect of the occupation of quarter. There is nothing also to falsify his evidence. Motilal Yadav Night Guard has stated that there was a gherao in Jealgora Colliery compound of Shri Ojha and Shri S. N. Singh and he had seen the concerned workman throwing his shoe at Shri Ojha which hit Shri Ojha on the left shoulder. He does not remember the date of the gherao but as it was an important event of an assault of an officer with shoe it was quite possible for this witness to remember the fact that the concerned workman had assaulted Shri Ojha with his shoe. He has stated that the concerned workman had thrown his shoe on Shri Ojha from a distance of 6 feet. It will also appear from his evidence that both the shoes of the concerned workman were tied together when it was thrown on Shri Ojha. There is not even a suggestion put to this witness to show as to why he would depose falsely against the concerned workman. The witness Badri Pd., Fan Khalasi has stated that about one year ago there was gherao of Shri Ojha and Shri S. N. Singh in Jealgora Colliery office compound for C.D.S. payment and he had seen with his own eyes that the concerned workman Dayaram threw his shoe and also some sand. He has no doubt stated that the shoe was thrown on Shri Singh and it appears that formerly 'Ojha' was written which was penned through and 'Singh' was written in the enquiry proceeding at page 19. There is no case that the concerned workman had thrown his shoe on Shri Singh and it is clearly a mistake in recording. The next witness examined by the management before the enquiry officer was Miazan, Trammer Jealgora colliery. He was one of the members who had gheraoed in Jealgora Colliery Office compound in respect of payment of C.D.S. He has stated that he saw the concerned workman throwing his shoe which hit Shri Ojha. He was cross-examined on behalf of the concerned workman by his co-worker. It appears from his evidence in cross-examination that he was at a distance of about 6 or 7 feet from the concerned workman when the shoe was thrown on Shri Ojha. There is nothing in the cross-examination to doubt the truth of his evidence. Raikumar Bhuia Loader of Jealgora Colliery has stated that about one year ago there was a gherao in

Jealgora colliery office compound in respect of payment when he saw that the concerned workman Dayaram threw his shoe which hit Shri Ojha. He was cross-examined on behalf of the concerned workman and has stated that the occurrence of throwing shoe took place at 2.00 p.m. Witness Rajkumar attendance clerk of 7 No. Pit Jealgora Colliery has stated that on 31-7-78 Shri S. N. Singh and Shri R. S. Ojha were gheraoed in Jealgora colliery office compound in respect of payment of C.D.S. He has stated that the workmen were demanding the CDS amount from Shri S. N. Singh and Shri Ojha. He has stated that the concerned workman threw his pair of shoe on Shri Ojha which hit him on the left shoulder. He was also cross-examined on behalf of the concerned workman but there is nothing to show that any part of his evidence was false. The last witness to be examined on behalf of the management was Kanhai Singh, Haulage Khalasi Jealgora Colliery. He has stated that on 31-7-78 Shri S. N. Singh and Shri R. S. Ojha came to Jealgora Colliery office compound to decide about the payment of C.D.S. where they were gheraoed by the workmen, when the officers were having a talk regarding the period when the CDS amount will be paid, the concerned workman threw his pair of shoe which were tied together on Shri Ojha which hit Shri Ojha on his shoulder. In his cross examination he has stated that the shoe had hit on the left shoulder of Shri Ojha. There is some difference of time of the alleged occurrence varying between half an hour and one hour but that does not appear to be very material in the sense that the workmen had stated the time by their guess and there was bound to be some difference of time stated by them. Except for the evidence of Badri Prasad all the witnesses have consistently stated that the concerned workman had thrown his pair of shoe on Shri Ojha which hit him on the left shoulder. There is absolutely no evidence to show any reason as to why those witnesses would depose falsely against the concerned workman. Had they been officers it might have been said that as they were officers they were supporting another officer. All the witnesses except Shri R. S. Ojha were workmen and there was no reason as to why they would depose falsely against the concerned workman. In view of the evidence on the record there is no room for doubt that the concerned workman had assaulted Shri R. S. Ojha by throwing his pair of shoe on him while Shri Ojha had been gheraoed by the workmen. The said charge therefore appear to have been established and I see no reason to differ with the finding of the enquiry officer.

The concerned workman has been dismissed from service vide Ext. M-27. The concerned workman was not only a member of the workmen who had gheraoed Shri Ojha and Shri Singh. He had in fact thrown his pair of shoe on Shri Ojha which hit him on the left shoulder. The enquiry proceeding of the other workmen Shri Rajdeo was also held along with the concerned workman but there was no charge of assault against Shri Rajdeo and as such his punishment for dismissal was considered to be too severe and he was leniently dealt with by this Tribunal in the reference. So far the concerned workman is concerned he had gone beyond the limit of gheraoing Shri Ojha for the payment of C.D.S. amount and had assaulted Shri Ojha with his pair of shoe. Assault by shoe is much humiliating than mere assault. If the workman are allowed to indulge in such acts of assault of the officers of the colliery, discipline in the administration of the colliery will greatly be hammered and as such no leniency can be shown in such case. In my opinion the punishment of dismissal of the concerned workman in such circumstances was quite justified for the act of misconduct established against the concerned workman.

In the result, the action of the management of Jealgora Colliery of Bhowra Area No. XI of M/s. B.C.C.L. in dismissing the concerned workman Shri Dayaram Kalwar, M.C. Loader from service with effect from August, 1981 is justified and consequently the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(149)/86-D.IV(B)]
R. K. GUPTA, Desk Officer

नई दिल्ली, 25 जनवरी, 1988

का. आ. 383 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-1988 को प्राप्त हुआ था।

New Delhi, the 25th January, 1988

S.O. 383.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of the Life Insurance Corporation of India and their workmen, which was received by the Central Government on 18th January 1988.

ANNEXURE

BFFORE SRI ARIAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 106/1986

In the matter of dispute between :

The General Secretary, National Life Insurance Employees Association 70-D Sujatganj, Kanpur.

AND

The Divisional Manager, Life Insurance Corporation of India, 46/98 M.G. Marg, Kanpur.

AWARD

1. The admitted facts are that Sri Uma Shanker Shukla deceased husband of Smt. Tarawati Shukla who was working as Watchman in Life Insurance Corporation of India, Divisional Office, Kanpur, died on 13-12-76. After his death Smt. Tarawati Shukla, was appointed as 'cleaner' in Life Insurance Corporation of India, Divisional Office, Kanpur on 15-4-77. At that time she was 8th Pass.

2. The case of Smt. Tarawati Shukla, workman is that although she possessed the requisite qualification for the post of peon, she was given the appointment of Cleaner. On the other hand one Smt. Sarla Devi Verma, who was also class 7th pass, upon the death of her husband Sri Sidhgopal Verma, was appointed as peon. Shri Sidh Gopal Verma was also an employee of the Corporation. The appointment of relatives, who died while in service of LIC are made in accordance with Life Insurance Corporation of India, Central Office Circular No. ZD/ASP/71 dated 10-4-71. According to the said circular, only sons of deceased employees are given appointment in class IV post. The workman alleges that in view of section 5 of the Equal Remuneration Act, 1976, LIC should have made no discrimination on the ground of Sex. Such type of discrimination is violative of Article 14 of the Constitution of India. She further alleges that she has been recently promoted to the cadre of peon in 1986. Even otherwise as per LIC promotion Rules she was not entitled to promotion from the post of cleaner to the post of peon after completing two years service. She has, therefore, claimed the benefit of appointment to the cadre of peon from the date of her appointment as cleaner i.e. 15-4-77 and for regularisation of her service as peon w.e.f. the said date.

3. The defence is that as per rules the workman was not eligible for appointment as peon. She only eligible for the post of cleaner. There being a vacancy in the cleaner's cadre at that time, she was appointed as cleaner as per rules of the corporation. As regards Smt. Sarla Rani Verma, the management pleads that there was no vacancy in the cadre of cleaner when she applied for the post on compassionate ground after the death of her husband. After rejection of her various request, seeing to her very pitiable condition and the number of children which she was to support, as

a very special case she was appointed as a peon at a time when a vacancy did exist. The appointment of the workman having been made in accordance with rules the question of violation of section 5 of the Equal Remuneration Act, 1976, or of Article 14 of the Constitution of India, does not arise. As per circular referred to in the claim statement only sons of the deceased employee are eligible for appointment to class IV post except sweeper and cleaner. The management further pleads that the workman was promoted to the cadre of peon as per rules of the corporation. There is no doubt that a cleaner may be considered for promotion to the cadre of peon, if he/she had completed two years of service on 30th of June, immediately before the date of notification for promotion and he/she possess the minimum qualification prescribed for recruitment to the cadre of peon. First notification after the appointment of Smt. Tarawati Shukla, was issued on 23-6-79. Since she had not completed 2 years of service on 30-6-78, she was not eligible for consideration for promotion. Again a notification dated 10-11-83, was issued calling application from eligible cleaner etc. for consideration of promotion to the post of peon. The last date for submission of application was 10-12-83, but the workman submitted her application on 5-1-84. The result was that her application for promotion to the cadre of peon was not entertained. In 1984, also similar notification was issued, but she did not submit her application for the reasons best known to her. She applied for promotion only in response to notification dated 4-11-85 whereupon the interview committee after taking her interview recommended her name for promotion to the cadre of peon. Accordingly she was promoted to the cadre of peon in 1986. In the circumstances she cannot claim parity with Smt. Sarla Rani Verma. Since she has now been promoted to the cadre of peon, she has no cause of action left. The reference is accordingly liable to be rejected. She having worked as cleaner cannot be deemed to have worked as peon with retrospective effect.

4. I may state here that the Central Government, Ministry of Labour, vide its Notification No. L-17012/67/85-D.IV (A) dated 18th July, 86, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Life Insurance Corporation of India in non regularising Smt. Tarawati Cleaner, Divisional Office, Kanpur, as peon is justified and legal? If not, to what relief the workman concerned is entitled?”

5. The workman in her rejoinder alleges that it is wrong to say that there had been no vacancy of cleaner in the cadre of cleaner at the time of appointment of Smt. Sarla Rani Verma. There were two vacancies of cleaner at that time.

6. In support of its case the management has filed the affidavit of its Administrative Officer Sri Deo Dutt Sharma. On the other hand, in support of her case Smt. Tarawati Shukla has filed her own affidavit. Both of them have been cross examined by authorised representative for the other side.

7. In this case reference on the point was made by Central Government, Ministry of Labour, on July 18th 1986. The reference is whether the action of the Management of L.I.C. in non regularising Smt. Tarawati, Cleaner D.O. Kanpur as peon is justified and legal. In the whole of the reference it is not stated as to from which date the question of non regularisation is to be examined.

8. The management witness in para 5 of his affidavit has deposed that Smt. Tarawati was promoted as peon in January 1986. In para 14 of her claim statement she herself admitted that in 1986 she was promoted as peon. She has not given the date or month of her promotion to the cadre of peon. However, in her cross examination she has admitted that she was made peon on 1-1-86.

9. Thus as has been pleaded by the management, the reference has almost become infructuous. Let its examine workman's case from the other angle i.e. in the light of LIC Central Office Circular No. ZD/ASQ/71 dated 10-4-71, which has been referred to by both the parties in their pleadings. With the written statement the management has filed the said circular and it has been admitted by the authorised representative for the workman.

10. The above circular is with regard to appointment of relatives of employees who die while in the service of the Corporation. It refers to relaxation in the recruitment procedure in favour of the relative of such employees. It is specifically mentioned in the circular that no preference or relaxation whatsoever have been shown to the relatives of retired or existing employees of the Corporation for the purposes of recruitment. They have to compete and taken turn alongwith outsiders as and when recruitment is made. Towards the end it has been made clear that all the concessions/relaxations set forth in the circular will remain in force for a period of two years from the date hereof. Hereafter in the light of experience gained, it will be decided whether or not to continue the concessions/relaxations and, if so, with what modifications. These term go to show that on compassionate ground the corporation has extended this concessions to the relatives of the employee who die while in the service of the corporation; otherwise they had no right to preferential treatment in the matter of recruitment, to the post in the corporation. This being so such a circular cannot be attacked on the ground of discrimination or on ground that it is violative of Article 14 of the Constitution of India. The position would have been entirely different had the Corporation made a distinction on the basis of sex in the matter of recruitment to post in the corporation. This not the case of the workman. Hence, this circular which as said above only gives concessions to the relatives of the employee, who die in the service of the corporation cannot be struck down as being violative of Article 14 of the Constitution or the Equal Remuneration Act 1976, the provisions of which were not brought to the notice of the Tribunal during the course of argument.

11. I may state here that according to the above circular only sons of deceased are eligible to class IV and it lays down the minimum qualifications for them to such post.

12. The main grievance of Smt. Tarawati Shukla, seems to be that whereas Smt. Sarla Devi who possessed the same qualification was given the appointment of a peon at the very outset, she was given the appointment of cleaner when her husband died earlier to the death of the husband of Smt. Sarla Devi. She may have been discriminated as she says but it does not vest her any legal right. It further appears from the statement which the authorised representative of the two parties gave before the Tribunal on the date of argument that there is not much difference in the scales of pay of cleaner and peon. According to them the scale of cleaner is Rs. 120—240 and the scales of pay of peon is Rs. 125—245. The workman should now rest contented when she too has been appointed as peon even before the order of reference. As she had already been promoted to the post of peon the question of her non regularisation as peon does not arise.

13. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-17012/67/85-D.IV (A)]

का. मा. 384 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, हरियाणा क्षेत्रीय ग्रामीण बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-1-1988 को प्राप्त हुआ था।

S.O. 384.—In pursuance of the section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Haryana Kshetriya Gramin Bank and their workman, which was received by the Central Government on 14th January 1988.

ANNEXURE

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. 64/87

PARTIES :

Employers in relation to the management of Haryana
Kshetriya Gramin Bank Bhiwani.

AND

Their Workman Khazani Devi

APPEARANCES :

For the workman—Mr. Jagdish Marwaha.

For the management—Shri N. R. Chura.

INDUSTRY : Banking

STATE : Haryana

AWARD

Dated 7-1-1988

Central Govt., Vide Gazette Notification No. L-12012/411/86-D.II(A) dated 18-8-1987 issued under Section 10(1)(d) of the Industrial Disputes Act 1947, referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Haryana Kshetriya Gramin Bank, Bhiwani in terminating the services of Smt. Khazani Devi W/o Shri Gopi Ram Balmiki, Part time sweeper at their Nindana Branch Distt. Rohtak w.e.f. 16-5-86 is legal and justified ? If not, to what relief is the workman entitled and from what date ?"

2. The case of the workman is that she was appointed as sweepers in Nidana Branch of the Bank in May 1981. That her salary used to be credited to her saving bank account No. 77. That her services were terminated on 16-5-1986. That she has not been paid any salary since 1-2-1986. So she claimed salary for the above period and also claimed that her termination is void and she be reinstated in service.

3. Management in their reply alleged that premises of the Bank consist of total carpet area of 347 sq. feet. That workman was appointed to do the work of cleaning on part time post. That she was paid Rs. 15 per month from May 1981 to October 1981 and Rs. 25 p.m. from November 1981 to September 1984 and Rs. 40 p.m. from October 1984 to January 1986. That in February 1986, Workman requested that she be given full salary equal to messenger. That on refusal she refused to come and do the work. So it was alleged that she is not entitled to any salary. The allegation that her services were terminated was denied. Bank however gave a option that they are prepare to keep the workman again on the same terms and conditions.

4. The workman in her replication admitted that she was part time worker and she claimed that she be allowed the grade of part time worker.

5. In support of the case Bank examined MW1 Ashok Singh the present manager, MW2 Hukam Singh the Previous manager. Workman herself appeared as WW1.

6. In the present case Bank plea is that workman abandoned the services of her own. To this aspect there is no evidence adduced by the Bank except the oral statement of MW1 Ashok Singh. The attendance register which should have been there in the Bank have not been produced. So allegation that workman absented cannot be believed. It is also admitted by the Bank in reply that no sweeping work was got done in the absence of the workman from any body till May 1986. So it cannot be believed that Bank remain without any dusting or sweeping for a period of 4 months that too in a village in Haryana where dusty winds blow during that period of season. So it is held that workman never abandoned her services.

7. It is admitted that workman remained employed with the Bank from May 1981 to January 1986. I have also held that workman never abandoned her services in February 1986. So it will be held that Bank terminated the

services of the workman. It is not the case of the workman that any compensation was paid. So it is held that order of terminating the services of Smt. Khazani Devi w.e.f. 16-5-86 is illegal and void. The effect is that workman will be reappointed in service as part time employee on the same terms and conditions. i.e. on pay of Rs. 40 p.m. as salary. She will be entitled to appointment from the date of publication of the Award. As regard back wages is concerned the workman has not worked during the above period. So I am of the view that she should get half of the back wages i.e. Rs. 20 per month for the period 1-2-1986 to the date of her re-appointment. In a way reference is answered in favour of the workman.

Chandigarh.

7-1-1988.

M. K. BANSAL, Presiding Officer

[No. L-12012/411/86-D.IIA/DIV(A)]

का. आ. 385—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, वीस्य बैंक लि., के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-1-88 को प्राप्त हुआ था।

S.O. 385.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vysya Bank Ltd. and their workmen, which was received by the Central Government on 7th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated, 2nd Day of January, 1988

Sri B. N. Lalge, B.A. (Hons) LL.B.—Presiding Officer.

Central Reference No. 33/87

Old Central Reference No. 21/85

First-Party : K. C. Raghunath Reddy, The General Secretary, Vysya Bank Employees' Union, Vysya Bank Building, 489, Avenue Road, Bangalore-560002.

V/s.

Second Party : The Chairman, Vysya Bank Limited, Administrative Office, St. Marks Road, Bangalore-560001.

APPEARANCES :

For the first party—Sri M. S. Ramachandra Rao, Advocate.

For the second party—Sri B. C. Prabhakar, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India by order No. L-12012/43/84-D-IV(A) dated 26-6-1985 made the present reference on the following point of dispute. Originally the reference was made to the State Government Industrial Tribunal. Subsequently it has been transferred to this Tribunal.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13-2-1987, it is transferred to this Tribunal. It is at Sl. No. 34.

Point of Dispute

"Whether the action of the management of Vysya Bank, Bangalore to award the punishment of dismissal from service to Shri K. C. Raghunatha Reddy, Clerk, Hubli Divisional Office with effect from 25-10-82 is justified? If not, to what relief is the workman concerned entitled?"

3. Thereupon the first party union has filed its claim statement and its contentions in brief are as follows:—

Sri K. C. Raghunatha Reddy was a member of the first party union. He was working as a clerk at Hubli in the Divisional Office. He was an executive committee member of the union. He was the Branch Secretary of the Union. He used to agitate about the matters pertaining to the members of the union. His services have been terminated with effect from 25-10-1982. Some three charges were framed against him. He submitted his reply. A special officer of the second party was appointed as the enquiry officer. He had engaged one Ramrao to defend him. The enquiry was posted to 19-3-1982. His representative sought for an adjournment, by a letter dated 18-3-1982. It was refused. The enquiry was however adjourned to 20-3-1982. He sent a letter for an adjournment. It was refused and the enquiry officer proceeded ex-parte. He had represented to the higher authorities that the enquiry officer may be changed, since he was biased. A show cause notice was issued to him. His request for appearing before the authority was rejected. Then the order of dismissal was passed. The ex-parte domestic enquiry held against him is not sustainable. List of witnesses was not given to him. It is against the principles of natural justice. Charge No. 1 is baseless. The bank cannot prevent the customer from opening a second account. There is no evidence to prove the second charge. As regards charge No. 3 shouting of slogans does not constitute misconduct. The action of the management is against the bi-partite settlement. The action was based on the recommendation of the Divisional Manager, who had written a letter to check the activities of the first party workman. The proceedings were launched to victimise him. He was a protected workman and the order of dismissal is not sustainable. He may be ordered to be re-instated with consequential benefits.

4. The second party bank has filed its counter statement and inter-alia it has contended as follows:—

5. Although the order of dismissal is of October 1982, he has not raised the dispute until 1985. The dispute has become stale, and the reference is not maintainable. It is highly belated. It is a banking institution, and high degree of honesty is expected of its employees. A charge sheet dated 23-3-1981 was issued to him. He submitted his explanation on 24-4-1981. It was not satisfactory. Sri K. S. Narasimha Murthy special officer was appointed to conduct an enquiry. Sufficient opportunity was given to him in the enquiry to defend himself. He took the assistance of one Sri K. J. Ramakrishna Reddy, upto a certain stage, he participated in the enquiry. Throughout the proceedings his conduct was adamant. Based on the evidence produced before him, the enquiry officer gave his findings holding that charge Nos. 1 and 2 were proved and charge No. 3 was proved partially. An order of dismissal was passed. All allegations made by him are denied. Averments made by him in para 2 of the claim statement are denied. He changed his representative and took one Ram Rao and on 20-3-1982 he had sent a false letter stating that he had to assist his one friend, who had met with an accident. The enquiry officer has acted with all fairness. It is not correct that he had not been given the list of witnesses. He has taken adjournments after adjournments. It is false that on 19th and 20th of March 1982, witnesses were examined behind his back. The findings of the enquiry officer are correct. The employees cannot shout slogans inside the branch premises nor in the manager's cabin. The action taken against him is in accordance with the bi-partite settlement. He was not a protected workman. The allegations of victimisation and unfair labour practice are denied. He is gainfully employed and he is practicing as an Advocate in Andhra Pradesh. He is not entitled to any relief.

6. On the basis of the said pleadings an additional issue was raised as shown below. Whether the second party has

conducted the Domestic Enquiry in accordance with rules and principles of natural justice?

7. The second party examined the enquiry officer and got marked the enquiry documents Exs. M-1 to M-4.

8. The workman examined himself and got marked Exs. W-1 to W-9.

9. The parties were heard.

10. On additional issue, which was taken up as a preliminary issue, this Tribunal recorded a finding by a considered order dated 31-7-1987. It has been held that the management has held the domestic enquiry in accordance with law.

11. Thereupon the parties were called upon to adduce evidence on other points.

12. The management has not adduced any more evidence. The workman was recalled and examined and he got marked Exs. W-10 to W-27.

13. The parties have been heard.

14. The points that arise for my determination would be as follows:—

(1) Whether the findings of the enquiry officer are perverse.

(2) Whether the first party proves that the workman has been dismissed on account of victimisation or unfair labour practice.

(3) Point of Reference.

15. My findings on them are as follows:—

(1) No.

(2) No.

(3) Point of Reference.—The dismissal of Sri K. C. Raghunatha Reddy, Hubli Divisional Office, with effect from 25-10-1982 is justified. He is not entitled to any relief.

REASONS

16. Point No. 1.—The test of perversity of findings is two-fold. If findings are not supported by any legal evidence at all, or if on the basis of the material placed on record, no reasonable person can arrive at the findings complained of, then the findings can be said to be perverse. The first charge against the employee is that he protested that a sum of Rs. 240 paid to him in excess, should not be debited from his savings bank account 2735 of Hubli branch. The charge further states that when the debit slip for Rs. 240 was sent by the Divisional Office to the branch office of Hubli, the employee contrived to see that the cash balance in the said account was less than Rs. 240. The charge further states that when the Divisional Manager directed that excess T.A. of Rs. 240 should be debited to S.B. account though there was no credit balance, the employee resorted to open a new S.B. account. It is further alleged that in order to open a new account, he had tendered a challan for Rs. 50 without enclosing necessary account opening forms and when the cashier received the challan under the belief that the amount was being credited to the existing S.B. account 2735, the employee, subsequently, clandestinely had access to the said challan and inserted, the words "New Account" and that the said acts amounted to fraud and tampering with the bank accounts. The learned counsel for the first party contended that the T. A. amount was sanctioned in 1979 and that the recovery was ordered in 1980 and that the recovery was not justified. This Tribunal cannot enter into the discussion whether the recovery was justifiable or not. The charge against the workman is that he tampered that the documents of the Bank in order to defraud the bank, so that it should not be able to recover the amount from him. The evidence of N. A. Shankarnarayana Shetty at page 71 of Ex. M-1, discloses that the branch had received a debit slip for Rs. 240 and before the said amount could be debited the

employee prepared a transfer credit slip Ex. C-11 for transfer of Rs. 250 to the account of one Ramesh Kumar and a transfer debit slip Ex. C-12 was made for debiting that amount from his account. He has further stated that Ex. C-11 and C-12 are in the handwriting of the employee Raghunatha Reddy. His evidence further discloses that the Divisional Manager had then issued instructions that even if there is no balance, the S.B. account of the employee should be debited for the sum of Rs. 240 showing over draft of Rs. 229-19 paise. It further appears in his evidence that in August 1980 without obtaining the instructions of the manager or the officer for opening of a new account, the employee had prepared a challan Ex. C-17 with a sum of Rs. 50 and that necessary documents were not enclosed to the same for opening the new account and the cashier who received the amount had no doubt, because he was under the belief that the credit was to the existing S.B. account. His evidence further shows that the challan Ex. C-17 did not contain the words "New Account", but they were inserted subsequently. The evidence of G. Vijaykumar recorded by the enquiry officer as CW-7, supports the evidence of CW-3 Shankar Narayan Shetty on these points. The documents at Exs. C-9 to C-13 support the evidence of the said two witnesses. The report of the enquiry officer is in file Ex. M-3 at pages 146 to 193. The discussion regarding the first charge is from pages 171 to 180. The enquiry officer has taken into account the evidence of the aforesaid witnesses and also the documents marked by him as C-9 to C-17. Nothing has been pointed out from any of the observations made by the enquiry officer to show that it is not supported by legal evidence or that no prudent person could have drawn such inferences.

17. The second charge against him is that on 25-8-1980 when the partners of M/s. Durga Combines and Durga Enterprises were in the cabin of Branch Manager of Hubli Branch, discussing about the business of the bank, the employee rushed into the cabin un-authorisedly, and shouted at the Manager, at the top of his voice, regarding the issue of the cheque book for a new account and although the manager informed him that the matter had been referred to the higher authorities, the employee continued to shout at him and said "shut up don't talk" and thus committed an act of mis-conduct, and the same amounted to dis-orderly and indecent behaviour. On this point there is the evidence of CW-2 K. A. Krishnaiah, CW-3 N. A. Shankar Narayan Shetty, CW-4 S. K. Kunte, CW-5 Shenoy and CW-7 Vijaykumar. The learned counsel for the first party contended that the letter of R. P. Shenoy marked as Ex. C-22 shows over-writing of the date and that the management had thus manipulated the documents. The letter of S. K. Kunte is at Ex. C-21. The workman has not availed of the opportunity to cross-examine these independent witnesses. Even if the evidence of CW-5 Shenoy is not accepted for the reason that his complaint Ex. C-22 bears some over-writing on the date, there is nothing to dis-believe the evidence of CW-4 Kunte, CW-2 Krishnaiah, CW-3 Shetty and CW-7 Vijayakumar and their complaints at Exs. C-21 and C-24. The enquiry officer has discussed about the second charge at pages 180 to 187 of file Ex. M-3. Nothing has been pointed out from the discussion of the said evidence to show that the observations are not supported by legal evidence or that the reasoning adopted by him is not sustainable in law.

18. The enquiry officer has held that the third charge has been partially prove. The findings of the enquiry officer in that connection are at pages 187 to 192. The evidence of CW-3 Shankar Narayan Shetty and CW-2 Krishnaiah and CW-6 F. M. Haveri has been discussed in that connection. The evidence of these three witnesses has been supported by documents such as C-15, and C-24. The evidence of these witnesses and the said documents have been appreciated by the enquiry officer in proper perspective and it is difficult to hold that the findings are perverse.

19. From the evidence placed before me, I find that the findings of the enquiry officer are not perverse.

20. Point No. 2 and Point of Dispute.—Victimisation arises in two cases. The first one is, where the workman is innocent but he is being punished because he has in some way dis-pleased the employer. The second instance is, where an

employee has committed an offence but is given a punishment which is out of all proportion to the gravity of his offence, simply because he has incurred the dis-pleasure of the employer. In the case at hand I do not find that employee is innocent but he is being punished because he has dis-pleased his employer, by his Trade Union activities, even if it is supposed that he had dis-pleased his employer by his trade union activities. Hence there is no victimisation of the first kind. The mis-conduct alleged against him is that he gave a challan of Rs. 50 and after the cashier had accepted it under the belief that the credit was for the existing account, he had managed to see that the challan showed that the credit was for a new account. The said act of mis-conduct is considerably grave and is prejudicial to the interests of the bank. The second head of the charge deals with the dis-orderly and indecent behaviour. If a branch manager is addressed in a loud voice and called upon to shut up and don't talk by an official working in the Divisional Office in the presence of customers the said act constitutes gross-mis-conduct within the meaning of para 19.5(c). Leaving aside the third charge, which has been held to be partially proved the evidence on record shows that charge No. 1 and 2 constituted gross mis-conduct.

21. The learned counsel for the first party contended that the evidence of WW-1 Raghunatha Reddy and the documents produced at Exs. W-13 to W-27 show that he has been victimised. It was also contended that Ex. W-11 indicates that the Divisional Manager had asked the Assistant General Manager to see that the actions of the employee Raghunatha Reddy were checked or otherwise he will prove to be most harmful to the institution. The said letter is dated 1st August, 1980. It requires to be read in the context of the previous paragraphs. The Divisional Manager has stated that taking into account the act done by him in order to defeat the action of the management to recover Rs. 240 from his account, the management may take action to curb his high handed and irresponsible actions. The letter does not mean that the Divisional Manager asked the Assistant General Manager to see that he is victimised. If the Divisional Manager had requested the Assistant General Manager to be vigilant and particular about the acts of the employee, I do not find that all these charges were cooked up and he has been falsely implicated. W-10 series only indicate that the employee Raghunatha Reddy was a joint secretary of Dharwad District Bank Employees Association. Ex. W-12 is an order regarding the charge sheet issued to one C. V. Parthasarathy Ex. W-13 is a letter of the Divisional Manager to the Assistant General Manager requesting for the clearance of the T.A. bill of Raghunatha Reddy. Ex. W-14 is a xerox copy of the bill. Ex. W-15 is the extract of the ledger of the Raghunatha Reddy. Ex. W-16 dated 23-5-1980 is a letter by the Divisional Manager to the Assistant General Manager. It deals with the T.A. bill of Raghunatha Reddy. Ex. W-17 is a letter to show that there was excess payment of Rs. 240 and the same should be recovered. Ex. W-18 is a representation of the employee. Ex. W-19 is a letter by the Divisional Manager to the Assistant General Manager to consider the letter of the workman. Ex. W-20 is the extract of his ledger folio. Ex. W-21 is a letter from the Employee to the Divisional Manager regarding the recovery of Rs. 240. Ex. W-22 is a letter by the employee to Finance Minister. Ex. W-23 is a letter by the Employee to the Manager to inform him about the circumstances for which the amount was debited. Ex. W-24 is one more letter from the employee to the Branch Manager. Ex. W-25 is a letter by the employee to the Manager, regarding his S. B. accounts. Ex. W-26 is a letter by the Branch Manager to the employee that he may contact the Divisional Office. Ex. W-27 is a letter from the Branch Manager to the employee that his cheque for Rs. 12 cannot be paid. All these documents relate to the action of the management to recover sum of Rs. 240 from him. If the employee had his own genuine grievances for the recovery of Rs. 240, he had the legitimate means to pursue the matter with the higher authorities, but the manner in which he has proceeded against the same by going to the branch office and shouting at the Manager of the Branch Office cannot be justified. Similarly the method which he has adopted to open a new S.B. account by subsequently writing in the challan as new account cannot be said to be justifiable.

22. (a) The learned counsel for the first party contended that it is a fit case to invoke the provisions of section 11A

of the Industrial Disputes Act, and in support of his contention he cited the case of Chhotalal Vithaldas Kotecha, petitioner v/s. Hala Salt and Chemical Works, (1986 LAB I.C. page 938). The facts of the reported case will show that the rude behaviour of the workman was on account of the injury received by his brother in an incident in the factory and when his brother was taken to the hospital none from the management had attended to him and under such circumstances it has been held that uttering of abuses does not call for extreme punishment of dismissal.

(b) The learned counsel for the first party then referred to the case of Ravinder Kumar, Kindra v/s. Delhi Administration through Secretary (Labour) and others, (1986 LAB I.C. page 374). The authority is on the point that if the findings are shown to be perverse, the enquiry should be set aside and re-instatement should be ordered. The authority is not applicable since a finding is recorded that the findings of the enquiry officer are not perverse.

(c) The learned counsel for the first party cited the case of Kamal Kishore Lakshman v/s. Management of M/s. Pan American World Airways Inc. and others, (1987 LAB I.C. page 218). The authority is on the point that termination of services on the ground of loss of confidence amounts to stigma and there should be a disciplinary enquiry. From page 198 to 220 of file Ex. M-3 there is the order of dismissal. The dismissal is for mis-conduct of disorderly behaviour and acts subversive of discipline. It is not a case of loss of confidence.

(d) The learned counsel for the first party then cited the case of Ved Prakash Gupta v/s. M/s. Elton Cable India Private Limited (AIR 1984 Supreme Court page 914). The authority is on the point that dismissal on the charge of abusing some workman cannot be justified. The facts of the reported case would show that the workman had abused one Durgsingh. The facts of the present case are entirely different and the first charge is of a very serious nature. The employee was working as a clerk and he had not only shouted at the branch manager but asked him to shut up that too in the presence of the customers of the bank. The facts being different I do not find that the authority can be invoked in favour of the employee.

(e) The learned counsel for the first party then referred to the case of Abinash Chandra Gautam (since deceased) through his LRS. v/s. Union Territory of Tripura and another (AIR 1984 Supreme Court page 320). The authority is on the point that if the discharge is illegal, the workman should get his back wages. It is not pertinent.

(f) The learned counsel for the first party further referred to the case of Chandrashekhra K. and others v/s. the management of Binny Mills [1984 (2) Karnataka Law General page 389]. The authority is on the point that if the Tribunal comes to the conclusion that there has been victimisation on the basis of the evidence on record then the finding that the domestic enquiry is in accordance with law is of no avail to the management. The facts of the case at hand do not show that because of the Trade Union Activities of the employee the management had proceeded to victimise him. In the domestic enquiry independent customers of the bank have been examined and it is difficult to accept the contention that false charges were levelled against him. On facts it has been held that it is not a case of victimisation.

23. The acts committed by him constitute acts of gross mis-conduct, for which I do not find it in the interests of justice to invoke the provisions of Section 11A of the Industrial Disputes Act for awarding a lesser punishment. In my view the punishment of dismissal imposed on him is not by way of victimisation nor unfair labour practice, but it is for gross acts of misconduct. The punishment is appropriate and does not call for any interference.

24. On page 7 of his evidence the employee has sworn that one C.D. Parthasarathi of Mount Branch Madras, had committed mis-appropriation and that the second party imposed a punishment of stoppage of only two increments and he is still in service. On the basis of the said statement and Ex. W-12, the order passed in the case of Parthasarathy, it was contended that the allegations against the first party workman are minor in nature and that the punishment of

dismissal in his case is discriminatory. The learned counsel for the second party contended that the contention of discrimination based on these grounds has not been pleaded and the management had no opportunity to prove that the case of Parthasarathy was entirely on different grounds and the punishment imposed on him was justified in the facts and circumstances of that case. Clause 19.12E of the bi-partite settlement indicates that no enquiry need be held if the employee makes a voluntary admission of his guilt in reply to the show cause notice. If the management had taken a lenient view since, the employee Parthasarathy had confessed to his mis-conduct, it cannot be said that the management has acted with discrimination against the first party workman, against whom gross misconduct has been established.

25. In the result, an award is hereby passed to the effect that the dismissal of Sri K. C. Raghunatha Reddy, Clerk, Hubli Divisional Office with effect from 25-10-1982 is justified and that he is not entitled to any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer

[No. L-12012/43/84-DIV(A)]

का. प्रा. 386--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, नेशनल इन्श्योरेंस कंपनी लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-1988 को प्राप्त हुआ था।

S.O. 386—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd., and their workmen, which was received by the Central Government on the 8th January 1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated 5th Day of January 1988

Sri B. N. Lalge, B.A. (Hons) LL.B. Presiding Officer

Central Reference No. 50/87

Old Central Reference No. 14/86

First Party—Sri. M. Narayanan, No. 82, Surveyor Street, Basavanagudi, Bangalore-560004.

v/s.

Second Party—The Manager, National Insurance Company Limited, Divisional Office, Lalbagh Road, Bangalore-560002.

APPEARANCES :

For the first party—Sri. K. T. Govinda Gowda, Advocate

For the second party—Sri M. Sowri Raju, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India Ministry of Labour, made the present reference on the following point of dispute to the State Government Industrial Tribunal, by order No. L-17012/79/85-D.IV(A) dated 18-8-1986.

2 By a subsequent General Order No. L-11025/A/87-D.IV-(B) dated 13-2-1987, it has been transferred to this Tribunal. It is at Sl. No. 51.

POINT OF DISPUTE

"Whether the action of the management of National Insurance Company Limited, in terminating the services of Shri M. Narayanan with effect from 18-3-1982 is justified? If not, to what relief is the concerned workman entitled?"

3. There-upon the parties have filed their pleadings.

4. In the claim statement of the first party, the contentions raised in brief, are as follows:—He was serving as a typist in the second party management for a certain period. From 19-7-73 to June 1975 he was working as a cashier, at the Bangalore branch of the National Insurance Company Limited. A case pertaining to the claim made in respect of an Insurance Policy issued by the Hindustan General Unit of the National Insurance Company, in favour of the Aswathnarayan Rao was the subject-matter of an award passed by the motor accident claims Tribunal Bangalore. The award had been passed in favour of one Smt. Chandrakalavathi. It was for Rs. 4,000 with interest at 6 per cent per annum and costs of Rs. 143. At that time he was working under one Sri N. G. Raman, the branch manager, he was not connected with the claims made by parties or with the legal department of the company. Since he was working under the immediate control of the branch manager, he had to obey his instructions and orders. At the direction of N. G. Raman and in pure good faith, he prepared a cheque as directed by N. G. Raman. He did so in obedience to the orders of his official superior and without having any reason to distrust or disbelieve the branch manager and his bonafide intention. The act of preparing the cheque was construed as on official misconduct and a charge sheet was issued to him. He submitted his explanation that he was innocent and that he did not receive the amount of the cheque and that he did not write the cheque voluntarily, and that there was no collusion. He contended that N. G. Raman passed the voucher on the basis of which he prepared a self cheque for Rs. 4,161. The statement of imputation did not state as to who had handed over the cheque to Ramchandra, the peon. One Sri K. C. Dubey had been appointed as an enquiry officer. A farce of an enquiry was held against him, without following rule 25 of the conduct rules. The enquiry officer gave his report. Order dated 18-3-1982 has been passed more than 2-1/2 after the submission of the report. There is inordinate delay and the order is vitiated, on account of delay. No action was initiated against N. G. Raman. He was not cited as a witness and thereby he was denied opportunity to disprove the charge against him. The enquiry officer has misinterpreted the evidence of Ramchandra. A copy of the report of the enquiry officer was not given to him before the order was passed. The order is not in accordance with law. The order does not show as to why the penalty of dismissal is imposed. He has been discriminated since no action has been taken against N. G. Raman. Hence it is prayed that the order may be set aside and he may be ordered to be reinstated with consequential benefits.

5. The second party has filed its counter statement and inter-alia it has been contended as follows :—There is no justification to entertain the claim petition and there is no jurisdiction to interfere with the punishment imposed on him. The statements made in paras 2 and 3 of the claim statement are not deried. It is incorrect to say that he was to obey the orders and instructions of N. G. Raman. The first party employee, while acting as a cashier, was expected to perform his duties as per the rules in force. The enquiry officer has held that as per the disbursement voucher, which was made in the name of the Reserve Bank of India, the cheque should have been prepared in favour of Reserve Bank of India and not a self cheque. The Enquiry officer has further held that Sri. Narayanan was working as cashier since 1973 and he was well aware that the cheques, were to be prepared in the name of the payee. A charge sheet was issued to him that he had dishonestly and fraudulently misappropriated a sum of Rs. 4,161 by encashing cheque bearing number, 74F/6/14397, dated 2-6-1975 which was the "cashier" cheque prepared by the employee Narayanan in collusion with N. G. Raman. The defence put forward by the employee was negatived by the enquiry officer. The evidence of Ramchandra shows that he had handed over the cash to Narayanan, the employee. The enquiry has been conducted

in accordance with rules, and full and fair opportunity was given to him. The written brief submitted by him has been duly considered by the enquiry officer. No prejudice has been caused to him. The defalcation committed by him came to light in 1976, when the second party learned that the amount of the award was not deposited in the Tribunal. The matter was then referred to CBI and a prima facie case was established. After that proceedings were started against him the first party employee and Sri N. G. Raman. There is no delay. The said Raman had been charged, sheeted for mis-appropriation of the said amount in collusion of the employee Narayanan and a joint enquiry was conducted by the enquiry officer Sri. K. C. Dubey. Raman did not appear before the enquiry officer. An ex-parte enquiry was made against him and he was found guilty and his services were terminated. The order of dismissal of Raman is a subject-matter in W. P. No. 8944 of 1982 and it is pending before the Hon'ble High Court of Karnataka. Since Raman was a party to the joint enquiry, he was not cited as a witness. Nothing prevented the employee Narayanan from examining the said Raman. The second party was not required to enclose the report along with the second show cause notice. The competent authority has agreed with the findings of the enquiry officer and then passed the order of dismissal. The principles of natural justice have been complied with. The order of dismissal is proper for the act of mis-conduct of mis-appropriation. Since the said amount was mis-appropriated, by Narayanan in collusion with Raman, the second party was forced to deposit a sum of Rs. 4,520-75 paise by cheque No. 133802 dated 31-7-1976 in settlement of the said claim. Chandrakalavathi was not concerned with the mis-appropriation. He cannot invoke the provisions of the section 11A of the Act. The reference may be rejected.

6. My learned predecessor had framed to additional issues shown as below :—

- (1) Whether the II party proves that this Tribunal has no jurisdiction to entertain the reference as contended in para 4 of the counter statement?
- (2) If the above issue is held in the affirmative, whether they prove that the documentic enquiry conducted against the I party workman is in accordance with the principles of natural justice and C.D.A. rules?

7. When the matter came up for hearing additional issue No. 1, no submissions were made. However on 15-6-1987 additional issue No. 2, has been re-cast as follows :—

Whether the domestic enquiry held by the management is in accordance with law?

8. The same was taken up as a preliminary issue. On receiving evidence and hearing the parties the said issue has been held to be in the affirmative by a considered order dated 21-10-1987.

9. Thereafter the parties were called upon to adduce evidence and argue the matter on rest of the points.

10. No further evidence has been adduced by either party.

11. The parties have been heard.

12. My findings on additional issue No. 1 and the point of dispute are as follows :—

Additional Issue No. 1.—This Tribunal has the jurisdiction to entertain the reference.

Point of Dispute.—The management of the second party was not justified in terminating the services of Sri N. Narayanan with effect from 18-3-1982, though it is proved that he was guilty of the misconduct as alleged and of acting in a manner prejudicial to the interests of the second party, which is misconduct as per Rule 4(5) and that he is entitled to the relief as shown below

REASONS

13. Additional Issue No. 1.—In para 4 of the counter statement the second party has contended that the Tribunal cannot interfere with the punishment imposed by the second party on the ground of mis-conduct. Reference has been made to the case of Ruston Hornsby (India) Limited V/s. I. B. Kadam (AIR 1975 SC page 2025). The learned counsel

for the second party did not produce before me the said authority. The first party employee has challenged the order of dismissal on the ground that the enquiry held against him is not in accordance with law and that the findings are not sustainable on the basis of the evidence produced before him. The dispute made out by him is quite in order and this Tribunal has the jurisdiction to entertain the same. I therefore find that the contention raised by the second party in para 4 of the counter statement is not sustainable.

14. Point of Dispute.—The sum and substance of the contentions raised by the first party employee in paragraphs 4 to 15 and 22 of the claim statement is that the enquiry held against him by Sri Dubey is not in accordance with the principles of natural justice and the eleven rules of the company and secondly the findings are perverse. Then the employee has contended that the order of dismissal is also against the principles of natural justice and it is discriminatory since no action has been taken against N. G. Raman.

15. His contention that the enquiry officer has not conducted the enquiry in accordance with the relevant rules of the second party and principles of natural justice has not been accepted and there is already a considered order dated 21-10-1987 on that point. Now it requires to be examined whether the findings of the enquiry officer are perverse.

16. To probe for perversity, there are two tests. The first is to see whether the findings are supported by legal evidence. The second one is whether no reasonable person could have arrived at the finding complained of, on the material placed on record. While dealing with perversity of findings, the learned counsel for the first party did not pin point to any piece of evidence placed on record and explain as to how it is no legal evidence. The first test is of no avail, to the employee.

17. The report of the enquiry officer containing his findings is at Ex. M-9. From paragraphs 3 to 3.4 of Ex. M-9 the enquiry officer has discussed about the evidence produced by the management and has then taken up the case of the defence and it has been discussed from pages 4 to 7 of Ex. M-9. The written brief of the first party workman is at Ex. M-8. On page 1 of Ex. M-8 it has been stated that the case of M. Narayanan (called as suspected public servant, that is S.P.S.) is not that he did not prepared the debit voucher and the "selves" cheque or that he deposited Rs. 4,161 with the Tribunal or paid the same to Kurvari T. R. Chandrakalavathi, but it is that he prepared both the debit voucher and the "Selves" cheque at the instance of the branch manager, Sri N. G. Raman purely and strictly in good faith and official obedience without in any way disbelieving that the branch manager had ordered to carry out those acts. (The very words and sentences used by him have been reproduced). There is no dispute on the point that Narayanan had given a written statement before the enquiry officer as per Ex. M-2. It is dated 21-9-1979. In para 2 of Ex. M-2 he states as follows:—"My duties were to receive cash and then issue receipt, to receive vouchers duly passed by the manager and then make payment. I would also write cash calculation statement and disbursement statement and also petty cash book generally. I have also entrusted with a duty of preparing payment vouchers.....". In para 4 of Ex. M-2 he states as follows:—"It is true that the debit voucher has been prepared by me at the instance of Sri N. G. Raman, then branch manager for Rs. 4,161 on 2-6-1975.....". In para 5 he states that after scrutinising the documents listed with the memorandum, especially the cheque, he recollected the whole episode. He further states that on 2-6-1975 he was advised by Mr. Raman to prepare a cheque for Rs. 4,161 bearing "self". He then states that he there was no practice of writing a cheque without a duly passed voucher, he asked Mr. Raman to give the details of the voucher. He then proceeds by saying that thereupon he was called by Raman, scolded in abusive words and as a result he wrote the cheque by committing some mistake and it was duly signed by Mr. N. G. Raman. In para 7 of Ex. M-2 he narrates that when the voucher was returned to him, the original letter was not there nor any supporting voucher and that once again he approached Mr. N. G. Raman, to attach the supporting voucher to enable him to complete the disbursement statement. He then states that Mr. Raman was disturbed but

however he initialled it in his presence. From the case pleaded in his brief and also his written statement Ex. M-2, two admissions emerge. The first one is that he wrote the voucher showing the payee, the Reserve Bank of India. The second admission is that he wrote the cheque for "selves". There is no dispute on the point that N. G. Raman, the branch manager had been issued the cheque book by the bank. The enquiry officer has observed on page 3 of his report Ex. M-9 that disbursement voucher No. 2 dated 2-6-1975 for Rs. 4,161 to Reserve Bank of India, being the award amount of motor accident claims Tribunal, No. MVC/89/73 of C. Aswathanarayanan was prepared by the first party Narayanan and that it bears the initials of N. G. Raman. The enquiry officer has further observed that the "selves" cheque for Rs. 4,161 was also prepared by M. Narayanan on 2-6-1975 and it was signed by N. G. Raman, the branch manager, and that the cheque was encashed on the same day by R. Ramchandra, sub-staff and the amount was given by him to the first party employee M. Narayanan. He has further stated that the said finding is supported by Ex. S-1 and depositions of SW-1 Chidananda SW-7 Natarajan and SW-8 R. Ramchandra, the sub-staff. MW-1 the enquiry officer has observed on page 4 of his report that M. Narayanan has written in the disbursement statement dated 2-6-1975 that by cheque No. 614397 for Rs. 4,161 the amount had been disbursed being the amount of motor claims award to Cl. No. 131/CL-73-POL-No. 4402/1. 500-CC-CC-G. Aswathanarayanan Rao MACT 89/73 voucher No. 2. The entry in the motor claims register at page 42 marked as S-1 by the enquiry officer, shows that claim number was 131 of 1973 relating to the policy of Sri Aswathanarayanan Rao. Policy number is shown as 4402. The enquiry officer has further observed that the said fact is proved by the evidence of SW-7 Natarajan. The evidence of SW-7 Natarajan on pages 12 and 13 of the file Ex. M-4 substantiates the said observation of the enquiry officer. The enquiry officer has discussed about the defence of the first party workman from para 3.5. The enquiry officer has held that the contention of the workman that he has acted in good faith and in obedience to the order of N. G. Raman, the branch manager cannot be accepted because as per the disbursement voucher the payment was made to the Reserve Bank of India and the cheque should have been prepared in favour of the Reserve Bank of India and not as "selves". He has further observed that M. Narayanan, the workman was working as a cashier since 1973 and that he was well aware that cheque shall have to be prepared in the name of the payee shown in the voucher. In Ex. W-2 dated 25-4-1979 the workman has specifically admitted that he had prepared the debit voucher in favour of the Reserve Bank of India, but as a cashier he was not acquainted with the legal department or claims department and that if he had been advised to follow a certain order it means that he had obeyed the same. There is no law or rule which calls upon a subordinate official to obey an illegal order. It is not the case of the workman that as a cashier he was not aware that a cheque shall have to be prepared in the name of the same person, in whose name the disbursement voucher has been prepared. The observation of the enquiry officer that the said contention of the workman is not tenable is supported by the documents such as Ex. W-2, Ex. M-2 and the statements of SW-1 Chidananda SW-7 Natarajan and SW-8 Ramchandra. In the statement made before the enquiry officer which is at page 19 of the file Ex. M-4, the first party workman states that he was working as a cashier from the middle of 1973 till June 1975, and that for other purposes Raman had asked him to write the cheques but as regards the third party claim that was the first time that he was instructed to write a cheque. The writing of debit voucher or cheque as regards a motor vehicles claim had nothing to do about the legalities but matter involved only the procedure of writing of accounts and book keeping and in that context, the said observation of the enquiry officer cannot be said to be perverse. The enquiry officer has stated in page 5 of his report that in the disbursement statement also Sri Narayanan had written about the payment of Rs. 4,161 under the said cheque. He has specifically point out that no where Narayanan wrote that the cheque had been drawn as "selves" and that the amount was paid to N. G. Raman. Since it was the earliest statement of the workman, it can be safely accepted to be a true statement, and thus it indicates that he did not at that time wanted it to be known by any one else that the cheque

was issued in the name of "selves". The evidence of Ramchandra, the sub-staff has been appreciated by the enquiry officer and his evidence shows that the amount of the cheque was paid to Narayanan. With reference to the receipt Ex. D-2 (as marked by the enquiry officer), which has been produced by the first party, the enquiry officer has observed that it does not contain any date and that the initial on the same does not appear to be that of N. G. Raman. No submission has been made before me for the first party as to how it is relevant and in what manner it absolves him. The enquiry officer has observed that the evidence of Ramchandra, the sub-staff discloses that the amount was paid to the employee Narayanan and it was his responsibility to see that the amount was credited to Reserve Bank of India, as shown in the disbursement voucher. On going through the evidence of Ramachandran, I find that the contention of first party that it is doubtful whether Ramchandra had given the amount to Narayanan cannot be accepted. In the cross-examination also Ramachandra has stated that usually "selves" cheque was issued by the cashier and he used to pay the proceeds to the cashier. However, he adds that he does not remember as to who had given him the "selves" cheque of this case, but he has reiterated that he gave the said amount to the cashier. Nothing has been suggested to Ramchandra and there is no material to hold that the enquiry officer ought to have rejected his evidence. The contention of the learned counsel for the first party that there was no responsibility of the part of the employee Narayanan and that whatever he has done is under the instructions of the bank manager, and only in good faith cannot be believed when the statements made by him in Ex. W-2, M-2 are examined in the light of the oral evidence of the several witnesses examined by the enquiry officer and especially those of SW-1 Chidanand, SW-7 Natarajan and SW-8 Ramachandra. It does not make any difference whether the cheque issuing authority was N. G. Raman, since the said fact does not absolve the first party employee from the misconduct as to why he ever wrote the cheque as "self", when the voucher was in the name of the Reserve Bank of India. The learned counsel for the first party argued that if the sub-staff Ramachandra is not liable, the first party employee also cannot be held to be responsible. It is not suggested by the first party employee that Ramachandra, the sub-staff had any special duties. He was only a carrier, who used to take cheques to the bank, and get them encashed, and hand over the same to the cashier. The duties of the sub-staff cannot be compared to the duties of the cashier. The learned counsel for the first party then argued that no counter signature of the first party was required on any document and thus it indicates that he was not responsible for any act of misconduct committed by N. G. Raman. When there is no dispute on the point that since 1973 he was working as the cashier and when it is not denied that it was a part of his duties to write the vouchers and cheques, the question whether his counter signature was required or not will be of no significance. The learned counsel for the first party contended that when the workman had given his written statement as per Ex. M-2 the presenting officer should have cross-examined him and in the face of the admitted fact that he has not been cross-examined on that basis, the enquiry officer ought to have accepted all the contentions raised by him therein as unchallenged evidence. The employee has not chosen to examine himself before the enquiry officer. His written statement cannot be a substitute for oral evidence given by him in person before the enquiry officer. Ex. M-2 does not show that he had filed it as his examination-in-chief. Under these circumstances it cannot be said that Ex. M-2 constituted unchallenged testimony of the first party employee and on that basis the enquiry officer should have exonerated him. The learned counsel for the first party then argued that there is absolutely no evidence against the workman and therefore the findings are perverse. In the light of the foregoing discussion, it is obvious that the said contention is not available.

18. The conduct, discipline and appeal rules of the second party are produced at Ex. M-10. The misconduct alleged against the workman is of the contravention of rule 3(1) and (2) and rules 4(1). They relate to maintaining absolute integrity, maintaining devotion to duty or committing fraud or dishonesty in connection with the business or property of the second party. Rule 4(5) defines misconduct of acting in a manner prejudicial to the interest of the corporation. The learned counsel for the second party argued that the evidence

produced before the enquiry officer proves that he failed to maintain absolute integrity or devotion to duty and acted dishonestly in connection with the property of the corporation. It is held that the findings of the enquiry officer cannot be held to be perverse, on the ground that no prudent person could have arrived at such a finding on the basis of the evidence placed on record.

19. The learned counsel for the first party contended that it is a fit case to invoke the provisions of section 11A of the Industrial Disputes Act and to set aside the order of dismissal. The alleged act of mis-appropriation has taken place on 2-6-1975. The investigating officer Sri Ilyase Sait has recorded the statement of Ramachandra on 18-3-1978. MW-1 Sri Dubey, the enquiry officer has recorded the statement of Ramachandra on 20-9-1979, more than one year after his statement was recorded by the Investigating Officer. There is considerable delay between the date of the misconduct and the recording evidence. The learned counsel for the second party contended that this Tribunal cannot weigh the evidence afresh and arrive at a different conclusion. There are certain extenuating circumstances in the case. The cheque book was in the custody of N. G. Raman and he was principally responsible for the issue and realisation of cheque amounts. The enquiry report on the basis of which N. G. Raman has been dismissed from service has not been placed before this Tribunal to know as to how far he has been held to be guilty. For the reason that he could not have written the voucher in the name of the Reserve Bank of India and then issued the cheque as selves, it is further held that he is guilty of the misconduct of acting in a manner prejudicial to the interest of the corporation. The very fact that he prepared the cheque in the name of "selves" suggest as that there is considerable force in the contention of the second party that there was collusion between himself and Raman. But, however I find that the employee Narayanan has already suffered for these years the distress of non-employment and loss of emoluments with effect from 18-3-1982. Under these circumstances, I find that the penalty of dismissal was not justified and that for the misconduct he has committed the proper punishment would be the loss of service and emoluments for all these years. It is therefore deemed fit that the management should be ordered to record the said punishment and re-instate him for the same post on the emoluments which an employee of that post is not getting, without any back wages or consequential benefits.

20. The question of discrimination does not arise for the reason that N. G. Raman has been dismissed for the same charge.

21. In the result, an award is hereby passed that the management of the second party was not justified in terminating services of Sri M. Narayanan with effect from 19-3-1982. By exercising the powers under section 11A of the Industrial Disputes Act, it is ordered that the management shall re-instate him within one month from the date of coming into forces of this award. He shall be re-instated to the same post with emoluments, which the said post carries as on today. He shall not be entitled to any backwages or consequential benefits. The management shall record that loss of services and emoluments for the said period is the punishment for the act of misconduct as shown above.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer

[No. L-17012/79/85-DIV(A)]

का. आ. 387--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बनारस स्टेट बैंक लि. के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच प्रबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रवर्धन कानून के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-88 को प्राप्त हुआ था।

S.O. 387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Benares State Bank Ltd., and their workmen, which was received by the Central Government on 12-1-1988.

ANNEXURE

BEFORE SRI ARIAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, KANPUR

Industrial Dispute No. 107/87

In the matter of dispute between :

The Secretary, U.P. Bank Employees Union, C/o The
Benares State Bank Limited, Ratan Cinema Road,
Kashipur, Nainital, U. P.

AND

The Chairman The Benares State Bank Limited, D-52/1
Luna Road, Head Office, Varanasi.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/104/86-D.IV(A) dated 17-8-1987, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Management of the Benares State Bank Ltd., in relation to their Kashipur Branch in not considering the seniority of Shri B.B.L. Agarwal (clerk for promotion as Spl. Assistant in May 1986, is justified? If not, to what relief the workman is entitled?

2. In the instant case no claim statement has been filed by the workman Shri B.B.L. Agarwal, nor by the Secretary U.P. Bank Employees Union, who raised the dispute before the ALC Central. Rather on 23-11-87, Sri A. S. Yadav, Manager (I.R.) of the Benares State Bank Limited filed the settlement purporting to have been signed by Sri O. P. Srivastava, Assistant General Manager (Personnel), on behalf of the management and by Sri B. K. Porwal, in his capacity as President of the aforesaid union. Since on that day none appeared on behalf of the workman, the settlement was ordered to be put up for verification at Camp Allahabad on 15-12-87. On 15-12-87, both sides were found absent. Therefore today's date was given for verification of the settlement and in the alternative for filing of claim statement at Kanpur.

2 Today, Sri A. S. Yadav again appeared on behalf of the management but none appeared on behalf of the workman. However, a letter has been received from Sri M. K. Gupta, Secretary of the Union in which he has alleged that a mutual agreement between the parties arrived at on 20-10-87. By means of this letter he has prayed that a consent award be passed in this case in terms of the settlement copy of which is being sent with the letter. Sri A. S. Yadav, has verified through his endorsement on the letter that Sri M. K. Gupta is the Secretary of the Union and the signatures of Sri M. K. Gupta. With the letter of Secretary has also been received a letter from the workman confirming that an agreement had been arrived at between the parties in his case. The copy of memorandum of settlement signed by the Secretary is the same as one filed by the management.

3 The term of the settlement as given in the memorandum of settlement are as follows :—

1. The management agrees to promote Sri B.B.L. Agarwal, Cashier/Clerk, Kashipur Branch as Special Assistant at Kashipur Branch w.e.f. 10-11-87 as per seniority list as on 1-1-87 without payment of arrears of Special Allowance as provided for Special Assistant under the Bipartite Settlement operative in the Bank.

2. The Union agreed the terms as mentioned in para 1 above in full and final settlement and not to claim any further benefits and other consequential benefits from the previous dates other than what has been agreed above.

3. The parties agree to pray this Hon'ble Tribunal for accepting the settlement and pass necessary orders for treating the agreement as Consented Award.

4. Accordingly the reference is decided by means of a consent award in terms of settlement dated 20-10-87.

Let six copies of this award be sent to the Ministry for its publication.

ARIAN DEV, Presiding Officer

[No. L-12012/104/86-D.IV(A)]

शुद्धिपत्र

नई दिल्ली, 25 जनवरी, 1988

का. आ. 388—श्रम मंत्रालय की दिनांक 2 दिसम्बर, 1987 की अधिसूचना सं० एल०-12012/77/81-डी-2(ए)/डी-4(ए) में डेस्क अधिकारी के हस्ताक्षर के नीचे दिए गए शब्दों और अर्थों के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाए :—

"स. एल-12011/77/81-डी-II(ए)/डी-4 (ए)"

[स. एल-12011/77/81-डी-II(ए)/डी-4(ए)]

के. जे. दैव प्रसाद, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 25th January, 1988

S.O. 388.—In the Ministry of Labour, Notification No. L-12012/77/81-D. IV(A) dated the 2nd December, 1987 the letters and figures appearing below the signature of the Desk Officer may be substituted by the following :—

"No. L-12011/77/81-D.II(A)/D.IV(A)"

[No. L-12011/77/81-D.II(A)/D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 25 जनवरी, 1988

का० आ० 389—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में सरकार कटरम चैतुदीह कोलियरी मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2 धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Katras Chautudih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 18th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri I. N. Singha,

Presiding Officer,

Reference No. 165 of 1986

In the matter of industrial dispute under Section 10(1)(d)
of the I. D. Act, 1947

PARTIES:

Employers in relation to the management of Katras
Chaitudih Colliery of M/s. Bharat Coking Coal Ltd.
and their workmen.

APPEARANCES:

On behalf of the workmen: Shri J. P. Singh, Advocate.

On behalf of the employers: Shri B. Joshi, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 11th January, 1988

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (258)/85-D.III(A), dated, the 15th April, 1986.

SCHEDULE

"Whether the action of the management of Katras Chaitudih Colliery in Area No. IV or M/s. Bharat Coking Coal Limited, in superannuating Smt. Kunti Kamin (wife of Kartik Bhuia), casual wagon loader with effect from 1-7-1982 is justified? If not, to what relief she is entitled?"

The case of the workman is that the concerned workman Smt. Kunti Kamin was superannuated prematurely with effect from 1-7-82. She had submitted a petition to the authorities, that her age in the colliery record was wrongly entered. She had also mentioned in the said petition that in her identity card No. C/3930 her date of birth is mentioned as 1922 which is totally wrong and there is a wide difference between her actual date of birth and her date of birth as mentioned in the identity card. She had prayed in the said petition that the management should correct her date of birth by getting her medically examined for the assessment of her age. She again submitted a petition on 25-6-82 to the colliery authorities to correct the date of her birth. However, the management issued notice of superannuation with effect from 1-7-82. She again filed a petition dated 25-6-82 that she should be referred to the Medical Board for the assessment of her age but there was no response from the management to her aforesaid petition. Thereafter, her union wrote letters dt. 14-4-84 to the concerned authorities of the colliery for taking necessary action and to allow the concerned person to continue to work. The union was continuously taking up this dispute of premature superannuation of the concerned person with the management which will be evident from the contents of several record notes of discussion between the management and the union. The management did not take action as per discussion mentioned in the record notes of discussion and deliberately avoided to settle the dispute. The concerned authorities without consideration of the matters raised by the concerned person and the union prematurely retired her with effect from 1-7-82, vide notice dt. 1-6-82. Although the actual date of birth of her husband working in the same colliery is 1944 but the date of birth of the concerned person was mentioned in the colliery records as 50 years in 1972. The concerned person was not supposed to get employment at the age of 50 years in 1972 as per rule and she could not be aged 50 years in 1972 when her husband was of the age of about 28 years in 1972. She was married with Kartik Bhuia at the age of about 10 years in the year 1955. The age of the concerned person recorded in the colliery records is imaginary. The action of the management in not settling the dispute was mala fide and illegal. It is submitted that in view of the facts stated, the action of the management in

superannuating the concerned person with effect from 1-7-82 is illegal, arbitrary, unjustified and mala fide. It is prayed that she should be deemed to be in continuous service with effect from 1-7-82 and she should be paid her back wages and other benefits for the period of her idleness.

The case of the management is that one Kunti Bhuia, wife of Ram Rup Bhuia, was taken in the roll of Katras Chaitudih colliery as casual wagon loader. The year of her birth as per Form B Record and Identity card Register is 1922. She attained the age of 60 years in 1982 and as such she was superannuated with effect from 1-7-82 by notice dt. 1-6-82. She had not completed 240 days of attendance in any calendar year while working as casual wagon loader. The concerned lady, claiming herself to be Kunti Bhuia, who has raised the present dispute gives the name of her husband as Kartik Bhuia whereas the name of the husband of Kunti Bhuia who was in the employment of BCCL on 5-12-72 was Ram Rup Bhuia. The concerned lady surreptitiously impersonated the real Kunti Kamin with the connivance of Kartik Bhuia and other interested persons. It was never brought to the notice by Kunti Kamin while she was in the employment of BCCL that the name of her husband Ram Rup Bhuia and her age was wrongly recorded in the management's register. After the superannuation of Kunti Kamin certain persons have claimed that her superannuation was premature as she had not attained the age of superannuation and falsely represented that she was the wife of Kartik Bhuia. There is no difference of the recording of the age of Kunti Kamin in the different registers of the management and as such it cannot be said that there was a glaring error at the time of writing the name of the husband of Kunti Kamin. The identity of the concerned lady is doubtful and does not tally with the particulars entered in the statutory Form B Register. There is no merit in the claim of the concerned person to allow her to continue as wagon loader after getting her age assessed by the Medical Board. According to the management the concerned person is entitled to no relief.

The points to be considered are (1) whether the concerned person Smt. Kunti Kamin wife of Kartik Bhuia was working as casual wagon loader in Katras Chaitudih Colliery (2) whether Kunti Kamin was wrongly superannuated with effect from 1-7-82.

The management examined one witness and the workmen examined two witnesses in support of their respective case. The documents of the management have been marked Ext. M-1 to M-3 and the documents of the workmen have been marked Ext. W-1 to W-12.

The foremost question to be determined in this case is whether the concerned person who has described herself as Kunti Kamin wife of Kartik Bhuia was working as wagon loader in Katras Chaitudih colliery. Admittedly, there is no document filed on behalf of the workmen to show that the said concerned person of the above description had ever worked in Katras Chaitudih colliery. The management has produced extract from Form B Register marked Ext. M-1 which at Sl. No. 174 shows that Kunti Bhuia was the wife of Ram Rup Bhuia aged 51 years of village Singhori, P.O. Singhori, Distt. Monghyr and that the date of commencement of her employment was 5-10-72. Ext. M-2 is an extract from the identity card register which also shows that Kunti Bhuia was the wife of Ram Rup Bhuia whose Sl. Nos. in Form 'B' register is 174 and that the year of her birth is 1922. It is clear therefore from Form B Register Ext. M-1 and identity card Register Ext. M-2 that Kunti Bhuia was the wife of Ram Rup Bhuia who was born in 1922 and was aged 51 years in 1972 when she got the employment in Katras Chaitudih Colliery. In WS of the concerned person itself it is admitted that the year of her birth was wrongly recorded as 1922 or that she was aged 51 years in 1972. To overcome the said entry in Form B Register and identity card register it is stated that Ram Rup Bhuia was the son of Kunti Bhuia and that Kartik Bhuia is the husband of the said Kunti Kamin.

WW-2 Kartik Bhuia has been examined on behalf of the workmen. He has stated that in 1972 BCCL took him as wagon loader and prior to that he was working as casual labour in Katras Chaitudih Colliery during the private management. He has stated that Kunti Kamin, the concerned

person, was his wife who died in 1986. According to him she was appointed as wagon loader in BCCL along with him. He has denied that Kunti Kamin was the wife of Ramrup Bhuia. He has stated that Ramrup Bhuia is his on aged about 22 years. In cross-examination he has stated that his present wife is Chandrabati with whom he married in the year 1984-85 and he has two children from her, aged 1 year and 2 years. He has stated that Chandrabati is aged 30 years but he cannot say if she had been married earlier with somebody. He has further stated that she had married Kunti about 18 or 20 years ago and that prior to his marriage with Kunti she had been married to another person. He has stated that the former husband of Kunti died and hereafter he married her. He was unable to say the name of the former husband of Kunti Kamin. He has stated that Kunti was working since the time of erstwhile management. He has also stated that there was no paper to show that Ramrup is the son of Kunti Kamin. WW-1 Shri Karu Ram who is the General Secretary of Dalit Mazdoor Sangh has stated that Ramrup Bhuia aged 24 years is the son of Kartik Bhuia and Kunti Kamin. It will thus appear from this evidence that Ramrup is aged 24 years. Kartik Bhuia stated that he had married Kunti about 18 or 20 years ago and is such Kartik Bhuia cannot be a son of Kunti Bhuia aged 14 years when according to him Kunti and Kartik were married about 20 years ago. WW-2 stated Kunti Kamin died in 1986 and according to the case of the concerned person she was of the age of Kartik Bhuia. There appears to be no reason as to why Kartik Bhuia married Chandrabati just 1 year or 2 before the death of Kunti Kamin. Ext. W-11 is his identity card in the name of Kunti Bhuini. In this identity card also the year of birth of Kunti Bhuini is stated as 1922. The entire writing appears to be an overwriting on the identity card on which there was some writing from before and the ink itself appears to be quite fresh. The photo in Ext. W-11 tallies with the photo in Ext. M-2. The identity card is prepared on the basis of entry in the identity card register and the entries in the identity card register are made on the basis of the entry in Form B Register in the Form B Register Ext. M-1 and the identity card register Ext. M-2 the address of Kunti Bhuini is stated as village and P.O. Singhori, Distt. Monghyr but in the identity card Ext. W-11 the address is stated as village Shirkhandi, P.O. Chabra, Distt. Monghyr. If the address of Kunti Bhuini in Form B Register and identity card Register was village and P.O. Singhori it could not have been recorded as village Shirkhandi, P.O. Chabra in the identity card. It is clear therefore that the identity card Ext. M-1 has not been prepared in accordance with the entries made in the identity card register Ext. M-2. The fact that no signature of any officer of BCCL appears on Ext. W-11 itself shows that the entries made in Ext. W-11 was not under the direction of the management according to the particulars mentioned in the identity card register.

A question may be raised as to why the address of Kunti Bhuia has been stated as Shirkhandi, P.O. Chabra, Distt. Monghyr and the question is not very difficult to answer. Kartik Bhuia who is claiming to be the husband of Kunti Bhuini belongs to village Shirkhandi, P.O. Chabra Distt. Monghyr shown in his identity card Ext. W-10 and in order to show that Kunti Bhuini was his wife, he has got his own address recorded in Ext. W-11 and has tried to create an evidence to show that she was his wife. Another thing is that in Ext. W-11 the husband's name of Kunti Bhuini is noted as Kartik Bhuia. How this could be entered if the husband's name of Kunti Bhuini was recorded as Ramrup Bhuia in the Form B Register and the identity card register. Ext. W-11 therefore can be given no credence and it is evident that Ext. W-11 is a forged and fabricated document having not been authenticated by the management.

The workmen have produced a certificate Ext. W-12, stating to have been issued by a doctor to show that Kunti Bhuini wife of Kartik Bhuia died on 28-3-86. The doctor issuing that certificate has not been examined to show if he knew Kunti Bhuia, being the wife of Kartik Bhuia unless the said doctor is examined this certificate has no value to establish that Kunti Bhuini was the wife of Kartik Bhuia or that she was aged 40 years when she died on 8-3-86.

The W.S. in this case on behalf of the workmen was prepared on 1-7-86 and it was filed before this Tribunal on the same date. Although it is said on behalf of the workmen that Kunti Bhuini died on 23-3-86 there is no mention in the W.S. filed on behalf of the workmen that Kunti Kamin had died on 23-3-86. Had she died on that date the workmen must have mentioned the said fact as the dispute was being raised on her behalf and the W.S. was being filed on her behalf. It is doubtful whether Kunti Bhuini who was the real workman died on 28-3-86. The workmen have filed record notes of discussion Ext. W-1, W-2 and W-3 dated 1-10-83, 20-7-84 and 12-10-84 respectively to show what the Secretary of Dalit Mazdoor Sangh had raised the question of assessment of age of Kunti Kamin but those documents cannot establish that Kunti Kamin was the wife of Kartik Bhuia or her age was not correctly recorded in the records of the management.

The workmen have also filed two petitions dated 17-12-81 and 25-6-82 marked Ext. W-4 and W-5. There is no mention in Ext. W-4 that Kunti Bhuia was the wife of Kartik Bhuia. It has come in Ext. W-5 for the first time that Kunti Bhuini is the wife of Kartik Bhuia. These two documents have been proved by WW-1. The management has denied the receipt of these letters. There is nothing in Ext. W-4 and W-5 to show that the original of those two petitions had been received by any authorised employee of the management. There appears to be some signature on the margin of Ext. W-4 and W-5 but there is no seal of the office so as to indicate that it was received in the office of the management. Ext. W-6 dated 14-1-83 is a letter sent by WW-1 Shri Karu Ram as union leader to the Agent by Karius Chaudhary Colliery. This bears the seal of the office and appears that it was received in the office of the management on 15-3-83. If Ext. W-4 and W-5 had been received in office those letters also must have the seal of the office to indicate that the original of those documents had been received in the office. It appears that Ext. W-4 and W-5 have subsequently been manufactured for the purpose of showing that Kunti Bhuini had herself written to the management for the correction of her age and for her retention in the employment. Ext. W-7 is the industrial dispute raised by WW-1 Shri Karu Ram, General Secretary, Dalit Mazdoor Sangh before the ALC(C), Dhanbad dated 28-11-84. Ext. W-8 dated 17-1-85 is the comment of the management before the ALC(C), Dhanbad stating the case of the management. It is stated in Ext. W-8 that Kunti Bhuini never submitted any document to the management to justify the claim that her actual date of birth was 1944.

On the discussions of the evidence it appears that the evidence adduced on behalf of the workmen cannot be believed. At page 109 of the Wage Board recommendation there is a discussion regarding the proof of age of a workman. It will appear from it that immediately after the scheme comes into operation every employee in service in the colliery who will be governed by the said recommendation shall furnish to the satisfaction of the management his/her proof of age. It further stated that as regards those whose date of birth/ages are already with their management such information shall be deemed to be correct unless satisfactory/authentic proof can be produced to the contrary. It will appear from the evidence of WW-2 that Kunti Kamin was working since the time of erstwhile management. It will also appear that her age was recorded in the statutory registers of the management and as such it will be deemed that the age of Kunti Bhuini recorded in Form B register and identity card register was correct. There is no satisfactory or authentic proof adduced on behalf of the workmen to show the incorrectness of the recording of the age/date of birth of Kunti Bhuini. The only evidence which has been adduced on behalf of the workman is that as Kartik Bhuia was aged only about 28 years in 1972 Kartik cannot be aged 51 years in 1971 when Kartik was the husband of Kunti. The evidence of WW-2 is further falsified by his own case and evidence that Kartik was married with Kunti in their childhood but in cross examination WW-2 Kartik Bhuia has stated that Kunti had been married to another person prior to her marriage and after the death of her previous husband Kunti married her. If Kartik had married Kunti after the death of her first husband, the evidence of WW-2 that he was married with Kunti in their childhood appears to be a complete myth. In view of the discussion made above I hold that the concerned

person Kunti Bhuini wife of Kartik Bhuia never worked as wagon loader in Katras Chaitudih colliery and that Kunti Bhuini who had worked in Katras Chaitudih colliery was entirely a different person who was the wife of Ramrup Bhuia of village and P.O. Singhori in the district of Monghyr.

Kunti Bhuini wife of Ramrup Bhuia was born in 1922 and was aged 51 years in 1972 and as such her superannuation with effect from 1-7-72 after completing the age of 60 years appears to be in accordance with the rules of retirement of workmen in the colliery. Accordingly I hold that she was rightly superannuated with effect from 1-7-1982.

In the result, I hold that the action of the management of Katras Chaitudih Colliery of M/s. B.C.C.I. in superannuating Smt. Kunti Bhuini wife of Ramrup Bhuia with effect from 1-7-72 is quite justified. I further hold that the concerned person Smt. Kunti Kamin wife of Kartik Bhuia was never in the employment of Katras Chaitudih Colliery as Wagon Loader and as such there is no question of her unjustified superannuation and accordingly the concerned person is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012/258/85-D.III(A)]

का. आ. 390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बगेरा कोलियरी मैन्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध से निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 390.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Barora Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 15th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(i)(d) of the Industrial Disputes Act, 1947

Reference No. 25 of 1982

PARTIES:

Employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Ltd., P.O. Nawagarh, District Dhanbad.

AND

Their Workmen.

PRESENT:

Shri S. K. Mitra, Presiding Officer.

APPEARANCES:

For the Employers—Shri R. S. Murty, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 31st December, 1987

AWARD

By Order No. L-20012(379)/81-D.III(A) dated, the 18th March, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

'Whether the action of the management of Barora Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad in superannuating Savashri Bhikhan Mian, Miner; Ganesh Rabidas, Trammer; and Srimati Kunti Kamin, Quarry Worker is justified? If not, to what relief are the concerned workmen entitled?'

2. The case of the management, briefly stated, is as follows:

The services of the workmen concerned were taken over by the present management after nationalisation of the colliery. The date of birth or age of these workmen was not recorded in any of the records of the colliery when it was taken over. In all such cases, and as a matter of policy, the employer had laid down that in the absence of any document and specially statutory records indicating the date of birth/age of the workers, a Medical Board for assessment of age after examination would be set up and the workers concerned would have to appear before the Board as directed. This system was accepted by all the Trade Unions functioning in the different collieries. In conformity with the above policy the three workmen were referred to Medical Board. The Medical Board examined them and determined their age as follows:

- (a) The age of Bhikhan Mian, Miner, was assessed by the Medical Board as 56 years as on 9th December, 1976;
- (b) The age of Ganesh Rabidas, Trammer, was assessed as 60 years as on 26th May, 1978;
- (c) The age of Smt. Kunti Kamin, Quarry Worker, was assessed as 56 years as on 1-1-1976.

The age/date of birth of these workers was accordingly incorporated in the records of the management and they were superannuated after reaching the age of superannuation which is 60 years. The procedure as determined by Joint Bipartite Committee for the Coal Industry is in conformity with the guidelines laid down by the Supreme Court that assessment of age of workers in cases like the present one by a Medical Board and is a scientific method. In the circumstances the management has submitted that the action taken by them is justified.

3. The case of the concerned is as follows:

S/Shri Bhikhan Mian, Ganesh Rabidas and Smt. Kunti Kamin had been working as permanent miner/loader, permanent Trammer and permanent Quarry Loader respectively since long with unblemished record of service. All of them were/are active members of Bihar Colliery Kamgar Union. The local management was biased and prejudiced against members of the union and in order to victimise the concerned workmen the management referred them to the so-called Medical Board without any reason and that the so-called medical Board determined their age arbitrarily, illegally and that too without conducting any scientific test and in violation of the direction of medical jurisprudence. The report of the Medical Board was not made available to them and the management orally informed them afterwards about the alleged determination of their age by the Medical Board. The concerned workmen protested against the illegal, arbitrary and unscientific determination of age. The union also did so by a letter dated 10th March, 1979. The Superintendent of the colliery directed all the workmen whose age was wrongly determined by the Medical Board to appear before him on 27th June, 1979 for determination of the age by the Appellate Medical Board. The Appellate Medical Board determined the age of the concerned workmen much below 60 years. But ignoring that the management superannuated all the concerned workmen illegally and arbitrarily in violation of the report of the Appellate Medical Board. The

management superannuated Bhikhan Mian with effect from 18th/22nd July, 1980, Ganesh Rabidas with effect from 26th May, 1978 and Smt. Kunti Kamin with effect from 21st/22nd February, 1980. The union raised the industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad. The union, during conciliation proceeding, requested the management to produce the report of the Appellate Medical Board, but the management did not do so. Being satisfied with the demand of the concerned workmen the Government of India, has been pleased to refer the present dispute for adjudication.

4. In the rejoinder the management has denied that they are/were biased and prejudiced against the members of Bihar Colliery Kamgar Union. The management has also denied that there exists any Appellate Medical Board and that such Board determined the age of the concerned workman as below 60 years.

5. In the rejoinder the concerned union has reiterated that the management illegally and arbitrarily referred the concerned workmen to the so-called Medical Board for determination of their age with a mala fide aim to victimise them. The management had changed the age of the concerned workmen in Form B Register on the basis of the report of the so-called Medical Board without giving them any notice or opportunity.

6. The management has examined four witnesses in this case, namely, MW-1, Dr. Jagdish Prasad, MW-2, Dr. Paresh Nath Pandey, both Medical Officers M.W. 3, Dr. E. R. K. Titus posed as Chief Medical Officer and MW-4, Anjan Kumar Sinha, a Senior Stenographer and laid in evidence a mass of documents which have been marked Exts. M-1 to M-11/2. The sponsoring union, Bihar Colliery Kamgar Union, has examined two out of the three concerned workmen, namely, WW-1, Kunti Kamin and WW-2, Ganesh Rabidas and introduced in evidence a mass of documents which have been marked Exts. W-1 to W-5.

7. Sri R. S. Murty, Advocate, appearing for the management has submitted that since the age of the three concerned workmen was not recorded in any statutory register maintained by the management, all of them were examined by experts constituting a Medical Board. He has further submitted that on the basis of determination of age of the concerned workman by a Medical Board, their age was recorded in statutory register and all of them were superannuated upon reaching the age of superannuation on the basis of age so recorded. He has contended that since the management are within their rights to have the age of the concerned workman determined by a Medical Board the action taken by them in superannuating the concerned workmen on the basis of determination of age by the Medical Board is justified.

8. Sri D. Mukherjee, authorised representative of the union has submitted before me that the age of the concerned workmen is available from the statutory register maintained by the erstwhile owner and so the action of the management by referring the concerned workmen to the Medical Board for determination of their age is not justified. He has also submitted that the management were not justified in altering the age of the concerned workman without giving them notice and opportunity. He has criticised the report of the Medical Board and contended that from the scientific point of view the report of the Medical Board is no report at all nor was the assessment of the age of the concerned workmen done scientifically. According to him the management have illegally and arbitrarily superannuated the concerned workmen from service and in the circumstances they are entitled to be reinstated in service with full back wages.

9. Coal Mines (Nationalisation) Act, 1973 came into force on the 1st day of May, 1973 except the provisions of Sections 30 and 31 which came into force immediately the Act was passed. The case of the concerned workmen is that they had all been working as permanent workmen of Barora Colliery since long—Bhikhan Mian as permanent miner/loader, Ganesh Rabidas as permanent Trammer and Kunti Kamin as permanent Quarry Leader and that all of them are active members of Bihar Colliery Kamgar Union. In para 4 of the written statement the management have admitted that the services of the concerned workman in this dispute were taken

over by the present employee, after the nationalisation of the colliery. This statement in effect means that the concerned workmen were working under private owner and that their services were taken over by the management after the nationalisation of the colliery. In spite of this statement the management has made a departure therefrom by stating in their rejoinder that Bhikhan Mian was appointed in Barora Colliery with effect from 31st January, 1973 and Ganesh Rabidas was appointed in the said colliery after 1973 and Kunti Kamin was appointed in the said colliery with effect from 17th October, 1973. Thus it is obvious that the statements of the management as made in the rejoinder are inconsistent and in contradiction with their statements in their written statement. Anyway, the management have not produced any paper in support of their contention that Ganesh Rabidas and Kunti Kamin were appointed after the Coal Mines (Nationalisation) Act came into force. On the contrary MW-4, Anjan Kumar Sinha, one of the witnesses for the management has had to admit in cross-examination that he deposed in the case of Nage Bourri and in that case the old Form B Register of the time of erstwhile employer was filed. He has further stated that Form B Register produced in Nage Bourri's case will disclose the date of birth of the concerned workmen of this case. This being his evidence, it is obvious that the concerned workmen were working in the colliery from the time of erstwhile private owner. WW-1, Kunti Kamin and WW-2, Ganesh Rabidas, the two concerned workmen have stated in their evidence that they had worked in Barora Colliery since the time of private management. They have not been cross-examined in this point. This being the position, the inescapable conclusion is reached that the concerned workman Kunti Kamin and Ganesh Rabidas had been in the employment of Barora colliery since the time of private management. MW-4 has made an incorrect statement that South Barora and some other collieries were merged into one and known as Barora Colliery on 1st May, 1973. This statement of his is bristled with inaccuracy because even prior to nationalisation there was existence of Barora colliery as appearing from the schedule of the Coal Mines (Nationalisation) Act. The management has admitted that Bhikhan Mian was a minor. Ganesh Rabidas, at Tramer and Kunti Kamin, a Quarry Worker. Thus, it is established by unimpeachable evidence that the concerned workmen were workmen of Barora Colliery while it was under private management.

10. Now, the question which comes up to the fore of our consideration is the age of the concerned workmen. The management have taken the plea that the age of the concerned workmen was not available in any statutory register and so their age was determined by Medical Board. This plea of the management is reflected in the letter dated 22nd January, 1981 addressed to the Asstt. Labour Commissioner (C), Dhanbad. By the Agent of Barora Colliery (Ext. W-5). There is nothing in evidence to indicate that the management gave notice to the concerned workmen that their age was not available in any statutory register and that for this reason they were required to appear before a Medical Board for examination to determine their age. MW-4, Anjan Kumar Sinha, has admitted that he does not know if the management gave notice to the concerned workmen that they were required to appear before Medical Board since their date of birth were not found in Form B Register maintained by erstwhile owner. This being the position, I cannot but hold that the management decided rather arbitrarily to have the age of the concerned workmen determined by a Medical Board.

11. Sri R. S. Murty has contended that the age of the concerned workmen was not available in any statutory register. But this contention of Sri Murty is without any substance since MW-4, Anjan Kumar Sinha, one of the witnesses for the management has admitted in testimony that he had also deposed in the case of Nage Bourri and in that case the old Form B Register of the time of the erstwhile employer was also filed. He has further admitted that Form B Register that he produced in Nage Bourri's case will disclose the date of birth of the concerned workmen of this case and also disclose whether these Form B Registers (Ext. M-11 to M-11/1) were prepared on the basis of earlier Form B Register. One of the concerned workmen Ganesh Rabidas has stated in his testimony that his date of birth was 1926 and another concerned Kunti Kamin has stated that her date of birth was

1928 and both of them have stated that in the prescribed registers their names and other particulars were recorded and had the management produced the prescribed registers it would have established their date of birth, the date of birth of Ganesh Rabidas being 1926 and that of Kunti Kamin 1928. Since the management have failed to produce the prescribed register (Form B Register) maintained by erstwhile owner which is considered to be a best evidence, adverse inference may be legally drawn that had that register been produced it would have supported the case of the concerned workmen and negated the case of the management.

12. It is the admitted position that the age of the concerned workmen were determined by a Medical Board. But as I have stated earlier the management did not give any notice to the workmen that their age was not available in the prescribed register maintained by the erstwhile owner and for that reason they were required to appear before the Medical Board. Sri R. S. Murthy has submitted before me that the management have got every right to determine the age of the concerned workmen by constituting a Medical Board and in support of his contention he had cited a decision reported in 1981 L.L.J.(I) 271. In that case the question arose whether the management were justified in appointing a Medical Board to fix the age of their employees when there was a discrepancy which was rather wide with regard to the year of birth. In the present case there is no evidence that such sort of discrepancy arose over the age of the concerned workman. Anyway, performance of Medical Board, to say the least, is most deplorable. Medical Report of the Board with respect to Bhikhan Mian, one of the concerned workmen (Exts. M-6 and M-7) states that his age by appearance was 55 years on the date of examination i.e. 9th December 1978. No physical examination was undertaken, blood pressure was recorded and no in-depth enquiry was made as to his system of organs. In the report with respect to Ganesh Rabidas no scientific data's with regard to the system of organs have been recorded (Ext. M-9). With regard to Kunti Kamin no medical report is available on record. The doctors of the Medical Board have simply proved the reports and did not state anything about scientific data's regarding the system of organs obtained by examination of the concerned workman.

13. Determination of age by Medical Expert can hardly be absolutely accurate but it may be near accurate and that is why the opinion of the experts are obtained when there is no record of age or record of age is doubtful. But the Expert, in order to determine the age must collect data with regard to:

- (i) General configuration and bodily development;
- (ii) lower jaw after examination;
- (iii) state of ossification of bones and epiphysio—diaphyseal union of long bones, and other data's on height and weight and some other signs.

14. The Medical Board appointed by the management did not spare any pain to collect these data's. Hence the report of the Medical Board with regard to the age of the concerned workman is worthless and so it should be discarded.

15. The management superannuated the concerned workman on the basis of the age as determined by the Medical Board. Such determination of age by the Medical Board is unscientific and undependable and management were not justified in superannuating the concerned workmen on the basis of the report of the Medical Board.

16. Of the three concerned workmen, Ganesh Rabidas and Kunti Kamin have testified in support of their case. Bhikhan Mian has not appeared and so the decision of the management with regard to his superannuation, although not justified must endure, but with regard to other two workmen, Ganesh Rabidas and Kunti Kamin, the decision of the management with regard to their superannuation is not justified.

17. For the reasons stated before I answer the reference in favour of the union in so far as workmen Kunti Kamin

and Ganesh Rabidas are concerned and held that they should be deemed to be in continuous service till they are superannuated on the basis of determination of their age by a Medical Board comprising of competent experts. The workmen concerned, namely, Kunti Kamin and Ganesh Rabidas will be entitled to back wages from the date they were illegally superannuated till they resume their duties for which they are to report within one month from the date of publication of the award.

In the circumstance of the case there will be no order as to cost.

S. K. MITRA, Presiding Officer

[No. L-20012/379/81-D III(A)]

का. आ. 361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्द्रा बंसजोरा कोकिंगरी, मैसमें भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 391.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of M/s. Bhaat Coking Coal Limited and their workmen, which was received by the Central Government on the 18th January, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Sri I. N. Sinha, Presiding Officer.

Reference No. 278 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Sendra Bansjora Colliery of M/s. Bhaat Coking Coal Ltd.

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—The concerned workmen themselves.

On behalf of the employers—Authorised representative.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 11th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (137)/86-D.III(A), dated, the 7th August, 1986.

SCHEDULE

Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Sendra Bansjora Colliery of Bharat Coking Coal Ltd. should designate and place in clerical grade II their workmen S/Sri Dineshwar Sonar and Prakash Mallah as Store Clerk and Transport Clerk, respectively is justified? If so, to what relief these workmen are entitled?"

In this case both the parties without filing their W.S. etc filed a Petition of compromise on 23rd December, 1987. I heard the parties on the said compromise petition and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/137/86-D.III(A)]

P. V. SREEDHARAN, Desk Officer

APPENDIX

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 278/86

Employers in relation to the management of Sendra Bansjora colliery

AND

Their workmen.

Petition of Compromise

The humble petition on behalf of the parties to the above reference is set forth respectively sheweth :—

1. That the above dispute has been amicably settled on the following terms :—

Terms of settlement

- (a) That considering the long period of service of Sri Dineshwar Sonar as Store clerk, it is agreed to regularise him as Store Clerk in Clerical Grade II with effect from 1st February, 1987.
- (b) That considering the long period of service of Sri Prakash Mallah as Transport clerk, it is agreed to regularise him as clerk in Clerical Grade III with effect from 1st February, 1987.
- (c) That the concerned workmen will not claim for difference of wages between clerical grade wages and the amounts actually received by them prior to 1st February, 1987 and will also not claim for seniority prior to 1st February, 1987.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the terms of the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the workmen :

Sd/-

Dineshwar Sonar

Sd/-

Prakash Mallah

For the employer :

(1) Sd/-

(2) Sd/-

